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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GAIL FLATT, individually and as the  
Personal Representative of the Estate of  
Sarah Flatt,

Plaintiff,

v.

META PLATFORMS, INC., formally  
known as FACEBOOK, INC. and SNAP,  
INC.,

Defendant(s).

Case No. \_\_\_\_\_

COMPLAINT FOR WRONGFUL  
DEATH AND SURVIVORSHIP

JURY TRIAL DEMAND

“In these digital public spaces, which are privately owned and tend to be run for profit, there can be tension between what’s best for the technology company and what’s best for the individual user or for society. Business models are often built around maximizing user engagement as opposed to safeguarding users’ health and ensuring that users engage with one another in safe and healthy ways. . . .”

*Protecting Youth Mental Health*, The U.S. Surgeon General’s Advisory (December 7, 2021)

Plaintiff Gail Flatt individually, and as the Personal Representative of the Estate of Sarah Flatt brings this action against Meta Platforms, Inc., formerly known as Facebook, Inc. (“Meta”), doing business as Instagram (“Instagram”) and Snap, Inc., doing business as Snapchat and alleges as follows:

## I. INTRODUCTION

### A. Plaintiff's Claims

1. This product liability action seeks to hold Defendants' products responsible for causing and contributing to burgeoning mental health crisis perpetrated upon the children and teenagers of the United States by Defendants and, specifically for injuries they caused Sarah Flatt resulting in her wrongful death.

2. Sarah Flatt suffered injuries proximately caused by Defendants' unreasonably dangerous and defective social media products, which include first and foremost a dangerous addiction to social media. Sarah's addiction led to sleep deprivation, anxiety, and ultimately death.

3. Defendants' social media products likewise caused foreseeable harms to Sarah's mother, Plaintiff Gail Flatt. Gail Flatt did not consent to Defendants distributing or otherwise providing her child with access to harmful social media products and was emotionally and financially harmed by Defendants' addictive design and distribution and provision of harmful social media products to her minor child.

4. Each of Defendants' products contains unique product features which are intended to and do encourage addiction, and unlawful content and use of said products, to the detriment of Defendants' minor users.

5. These social media products create a "perfect storm" of addiction, social comparison, and/or exposure to incredibly harmful content and harmful product features. Defendants program and operate their algorithms and social media products more generally in a manner that prioritizes engagement and profits over user safety. This includes designing and distributing inherently dangerous products that appeal to kids, and operating algorithms and other technologies in a manner that promotes and amplifies harmful content.

6. Defendants also advertise their products in misleading ways, assuring parents and the public that their products are safe and fun and that they utilize their technologies to ensure a safe and age-appropriate experience. Nothing could be further from the truth.

7. Plaintiff suffered several emotional, physical, and financial harms as a result—all

of which are a symptom of the current health crisis among American youth and, by natural and foreseeable extension, American families, caused by certain, harmful social media products such as the ones at issue in this case.

#### **B. Defendants Know or Should Know of the Harm Their Products Cause**

8. In late 2021, a Facebook whistleblower disclosed thousands of internal Meta documents to the United States Securities Exchange Commission (the “SEC”) and Congress. The Facebook Papers prove known dangerous designs and design defects as well as operational decisions and calculations, and a causal relationship between use of Defendants’ various social media products in their current form and resulting addiction, anxiety, depression, eating disorders, exploitation and grooming, and what Meta internally refers to as “SSI” (Suicide and Self Injury). While the Facebook Papers originate from Meta, they prove dangerous designs and design defects as well as other dangers caused by the social media products of all Defendants.

9. The Wall Street Journal and Digital Wellbeing published several of the Facebook Papers in November 2021,<sup>1</sup> including but not limited to,

- a. Social Comparison: Topics, celebrities, Like counts, selfies [Jan 2021 internal document reporting findings from a 9-country user survey (n=100,000) in Australia, Brazil, France, Germany, Great Britain, India, Japan, Korea, USA].
- b. Appearance-based Social Comparison on Instagram [Feb 2021 internal document reporting finding from a 10-country user survey (n=50,590) across Australia, Brazil, France, Germany, Great Britain, India, Japan, Korea, Mexico, USA].
- c. Mental Health Findings: Deep dive into the reach, intensity, Instagram impact, self-reported usage and support of mental health issues [2019 internal document reporting findings from a 6-country user survey (n=22,410) across Brazil, India, Indonesia, Japan, Turkey, USA].

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<sup>1</sup> <https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/>

- d. Teen Mental Health Deep Dive [2019 internal document reporting findings from a 2-country (UK and US) qualitative research study (n = 40 in-person interviews, with follow-up video calls (n = 8) with young Instagram users (aged 13-17), supplemented by online survey (n = 2,503)].
  - e. Teens and Young Adults on Instagram and Facebook [2021 internal document reporting findings from a five-country study (Australia, France, Great Britain, Japan, USA) with user data].
10. Gizmodo has been publishing the Facebook Papers, several at a time, also starting in November 2021,<sup>2</sup> including but not limited to,
- a. Why We Build Feeds
  - b. Is Ranking Good
  - c. Big Levers Ranking Experiment
  - d. [LAUNCH] Civic Ranking: Engagement-Based Worth Your Time
  - e. MSI Metric Note Series
  - f. The Meaningful Social Interactions Metric Revisited: Part 2
  - g. The Meaningful Social Interactions Metric Revisited: Part 4
  - h. The Meaningful Social Interactions Metric Revisited: Part 5
  - i. Meaningful Social Interactions Useful Links
  - j. MSI Documentation
  - k. Evaluating MSI Metric Changes with a Comment-Level Survey
  - l. Surveying The 2018 Relevance Ranking Holdout
  - m. Overview of MSI + Pages and Survey Research
  - n. Is Multi-Group Picker “Spammy?”
  - o. Filtering Out Engagement-Bait, Bullying, and Excessive Comments From MSI Deltoid Metric

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<sup>2</sup> <https://gizmodo.com/facebook-papers-how-to-read-1848702919>

- p. [LAUNCH] Using p(anger) to Reduce the Impact Angry Reactions Have on Ranking Levers
- q. Planned MSI Metric Changes in 2020
- r. MSI Metric Changes for 2020 H1
- s. Should We Reduce the MSI Weight of Sticker Comments?
- t. Max Reshare Depth Experiment
- u. “Understand This Post’s Ranking” —How I Miss Thee!
- v. Facebook and Responsibility
- w. The Surprising Consequences to Sessions and MSI Caused by Turning Off Video Autoplay on News Feed
- x. One-Go Summary Post for Recent Goaling and Goal Metric Changes for News Feed
- y. News Feed UXR Quarterly Insights Roundup
- z. What Happens If We Delete Ranked Feed?
- aa. News Feed Research: Looking Back on H2 2020
- bb. Content from “Political” Pages in In-Feed Recommendations
- cc. Political Content in In-Feed Recommendations (IFR)
- dd. In-Feed Recommendations HPM —April 15 2021

11. These documents are all incorporated by reference into this Complaint and the sole reason they are not attached is length and file size. However, the contents of these documents and other Facebook Papers are material to Plaintiffs’ claims.

12. On information and belief, all Defendants have some degree of knowledge about the harms their products cause users, particularly teen, child, and other vulnerable user populations, and all Defendants continue to operate those products in a harmful and dangerous manner anyway and in the interest of competing with one another and increasing already astronomical profits. Meta is simply the only one whose documents have been disclosed; even then, only a small fraction of the relevant Meta documents has been made public. Plaintiff anticipates literal truckloads of

1 additional evidence that will support these claims and show precisely what these social media  
2 designers and distributors have done in the name of corporate greed.

3 13. These Defendants are making calculated cost-benefit business decisions and are  
4 consistently prioritizing their already astronomical profits over human life.

5 14. The harms at issue in this case all arise from Defendants' product designs and/or  
6 inadequate warnings.

### 7 **C. The Social Media Epidemic Among Children**

8 15. On December 7, 2021, the United States Surgeon General issued an advisory  
9 cataloging a dramatic increase in teen mental health crises including suicides, attempted suicides,  
10 eating disorders, anxiety, depression, self-harm, and inpatient admissions. Between 2007 and  
11 2018, for example, suicide rates among youth ages 12 to 16 in the U.S. increased a staggering 146  
12 percent. Several cities across the United States have been experiencing teen suicide rates in the  
13 range of 1 every year or other year, which is an absolute crisis for our country—the death by  
14 suicide of a child is something that should be an exception and not a rule. The incidence of serious  
15 depression and dissatisfaction with life in this age group has likewise increased dramatically, and  
16 there is no question that these harms relate in no small part to companies like Defendants.

17 16. The most significant and far-reaching change to the lives of young people in the  
18 last ten years has been the widespread adoption of social media platforms and prominently, for  
19 purposes of this lawsuit,

- 20 a. The Instagram product which launched in 2010 and was acquired by Facebook
- 21 (now Meta) in 2012, and which is designed and distributed by Meta.
- 22 b. The Snapchat product which launched in 2011, and which is designed and
- 23 distributed by Snap, Inc.

24 17. By 2014, 80 percent of high-school students said they used social media daily, and  
25 24 percent said that they were online “almost constantly.” Moreover, there are an estimated 24.5  
26 million teen internet users in the U.S. alone. What this means for each of these defendants is more  
27 than 15 million U.S. teens (aged 13 to 17) using their social media product on a regular basis.

28

18. Teens make up a significant percentage of all social media users and, in the United States, they represent Defendants' only significant opportunity for growth due to saturation of the adult market. Defendants see them as a gateway for other potential users, that is, they use U.S. teens to recruit parents and adult relatives as well as younger siblings – including pre-teen siblings. Defendants are not permitted provide accounts to but to whom Defendants do provide accounts, by simply refusing to verify age and identification on the front end and by turning a blind eye to public comments, posted videos, and other instances where these underage users openly announce that they are underage. On information and belief, U.S. teens also are the most lucrative for Defendants when it comes to advertising revenue as well. While all reasons for this are not yet known, it is known that teens spend more time on average than other users and, further, Defendants report exponentially higher revenue per user in connection with United States users on an annual basis.

#### **D. Disparities Between Public Statements and Harm to Children**

19. Peer reviewed studies and available medical science have also identified a particular type of social media and electronic device use associated with major mental health injuries, including depression, self-harm, eating disorders, suicide attempts and ideation, dissatisfaction with life, depression, and sleep deprivation. Large observational studies and experimental results also point to heavy use of certain social media products as cause of increased depression, suicidal ideation, and sleep deprivation among teenagers, particularly teenage girls. Defendants have spent years publicly denying these findings—while internally confirming them.

20. Defendants have denied for years that their products are harmful or addictive while, in fact, Defendants' products are harmful and addictive, facts that the social media industry has been aware of for years. Defendants knew the truth and chose to conceal it and not disclose to the public or parents of young users, as Defendants knew that such disclosure would prevent them from further growth and development of these products and product features.

21. In Meta's case, for example only, the Facebook Papers include years' worth of studies and reports discussing the fact that Meta's social media products are addictive and harmful,

1 and that use of those products can and does lead to serious mental health issues in a significant  
2 number of users, including things like anxiety, depression, eating disorders, and SSI. This includes  
3 research confirming that higher engagement (i.e. more sessions and/or time spent over a certain  
4 threshold) causes higher negative effect for users, and other hallmarks of addiction (referred to by  
5 Meta as “problematic use”). In late 2019, Meta conducted an “exploratory study” in the United  
6 States, aimed at examining “Teen Girls Body Image and Social Comparison on Instagram.”<sup>3</sup> These  
7 studies confirmed that certain features contained in Meta, Snap, and TikTok’s social media  
8 products make certain social comparison-based harms worse for a significant percentage of teen  
9 girls. See, *supra*, “Teen Girls Body Image and Social Comparison on Instagram – An Exploratory  
10 Study in the US,” p. 29 (referring to its own product mechanics as “addicting” and noting that  
11 TikTok users often spend more than four hours on TikTok every day).

12 22. Moreover, the type of harms described in the Facebook Papers relate to specific  
13 product mechanisms and product features. Defendants have designed each of their products to  
14 contain unique product features which are intended to and do encourage addiction, and unlawful  
15 content and use of said products, to the detriment of Defendants’ minor users and their families.

16 23. Defendants know exactly the harms that their products are causing yet remain  
17 focused on maintaining and increasing user engagement which translates into greater profits for  
18 Defendants. On information and belief, there have been studies dating back almost a decade on  
19 related topics, which studies are not known or, in some cases, even made available to the general  
20 public; but Defendants knew or should have known about these studies as, often times, they related  
21 to the products being designed and developed by Defendants and Defendants’ scientists and/or  
22 engineers.<sup>4</sup>

23 24. Defendants also know that their recommendations and other product features, that  
24 is, features whereby Defendants promote and/or send content to users and otherwise try to connect

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26 <sup>3</sup> See <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf>

27 <sup>4</sup> See, e.g., Sept. 30, 2021, Senate Hearing Transcript, at 1:07:47 (reference to study published in National Academy  
28 of Sciences “way back in 2014.”).



1 users who, in fact, are often complete strangers, result in disproportionate harms to vulnerable  
 2 users including children, teens, teen girls, and women. Yet Defendants continue to reap  
 3 astronomical profits at the expense of these users.

4 25. For example, each of these Defendants has a “friend” and/or “follow”  
 5 recommendation feature in their social media product. This refers to a feature whereby Defendants  
 6 recommend to users other users they may “want” to friend or follow, with the intent that these  
 7 users will then connect via a friend request mechanism, direct messaging, and similar product  
 8 features meant to increase engagement among users. These recommendation systems serve the  
 9 singular purpose of making more money for Defendants in that they are meant to keep users  
 10 engaged through connections, which connections are suggested, prompted, and encouraged by  
 11 Defendants. But also, which connections involve complete strangers and where Defendants’ own  
 12 recommendation systems frequently make and perpetuate harmful recommendations.

13 26. In terms of harms to young girls,

- 14 a. 3.5% of teen girls on Instagram say the platform makes thoughts of “Suicide and  
 15 Self Injury” worse.
- 16 b. 17% of teen girl Instagram users say the platform makes “Eating Issues” (e.g.  
 17 anorexia and bulimia) worse;
- 18 c. “We make body image issues worse for 1 in 3 teen girls.”

19 27. Plaintiffs do not yet have access to internal documents for all defendants, but those  
 20 are not needed to infer that these defendants employ similar—equally harmful—social media  
 21 features. Meta research concludes that Meta is not the only one causing harm to teens and children.  
 22 See, *supra*, “Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study  
 23 in the US” (March 2020) (“Instagram is seen as having the highest impact, although TikTok and  
 24 Snapchat aren’t far behind”).

25 28. Defendants also know that their products are contributing to teen depression,  
 26 anxiety, even suicide, and self-harm. Why don’t they change these harmful product features and  
 27 stop utilizing algorithms in connection, at least, with teen accounts? Because Defendants’ top  
 28

1 priority is growth and competition concerns, and Defendants see “acquiring and retaining” teens  
 2 as essential to their survival. As made clear in the Facebook Papers, teenagers spend significantly  
 3 more time on social media than adults (both total time and user sessions—which are usage patterns  
 4 linked to addiction), represent Defendants’ greatest (if not only) growth opportunity in the US, and  
 5 can be used by Defendants to do many “jobs” including, among other things, recruitment of older  
 6 and younger family members and friends.

7 29. Meta and Snap also believe that teens are the best way to capture household adults  
 8 and children. Pre-teens look to their older siblings in terms of which social media products to use  
 9 and how to use them, and often obtain guidance from them to open their first account, while parents  
 10 and grandparents are influenced by teen household members and open accounts to participate in  
 11 their child’s life.

12 30. Meta and Snap likewise know that children under 13 are using their products, and  
 13 see these children as a tappable and valuable market, which they must capture and use to increase  
 14 revenue and ensure competitive positioning in the long-term; see also  
 15 <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html> (insiders report  
 16 knowledge of underage users posting and TikTok’s failure to act).

17 31. The reality is that children are a “priority demographic” for Defendants and  
 18 Defendants will do anything to increase and maintain engagement among them. On October 26,  
 19 2021, the New York Times reported on a 2018 internal Meta marketing report lamenting loss of  
 20 teenage users to competitors’ platforms as “an existential threat.”<sup>5</sup> Defendants spend billions on  
 21 these recruiting efforts, and do not care that they are harming children and teens in the process.

22 32. Defendants go so far as to study brain and identify vulnerabilities and other areas  
 23 where they can adjust their products and approach to appeal more to the teen demographic. For  
 24 example, in December of 2021, Insider reported on an internal Meta document titled “The Power  
 25 of Identities: Why Teens and Young Adults Choose Instagram.” It is clear from this document that  
 26 Meta, and its competitors, are marketing to children and teens – including in ways meant to exploit

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 28 <sup>5</sup> <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>

1 the differences between teens and adults.

2 33. Identified among Meta's internal documents are other product features that cause  
3 harm to teen users, which product features are relatively standard among Defendants' products.  
4 For example, product features that enable users to like or love other user's content results in  
5 increased addiction and social comparison harms, which Meta considered hiding for the benefit of  
6 its users (referred to as "Project Daisy") but ultimately did not.

7 34. Another example is Direct Message feature possessed by Defendants' social media  
8 products, and lack of restrictions when it comes to teens and children. Defendants' products do  
9 something no other product does: they encourage children and teens to use their product, then they  
10 make those children and teens accessible to strangers (for example, by permitting public profiles  
11 and/or viewing of content posted by these children and teens), then they provide predators with a  
12 direct means of communication (Direct Messaging features) that is both unfettered and, according  
13 to Defendants, unmonitored. In fact, Defendants monitor and/or have the technology needed to  
14 detect critical harm areas, such as sexual exploitation, bullying, and even underage use.

15 35. On information and belief, Defendants are incredibly guarded when it comes to the  
16 types of data they collect, to the point where they will not even disclose certain, critical information  
17 to parents and or police and other law enforcement upon request.

18 36. In the case of Defendant Snap, its product is even more harmful in this regard  
19 because of its disappearing design. The Snap product is designed in a manner that encourages and  
20 enables such abuse, which dangerous and defective design serves Snap's economic interests by  
21 increasing its user base. For example, one common pattern among predators—which Defendants  
22 know or should know about—is to find children and teens on Instagram and encourage them to  
23 open or move the discussion to Snapchat, as it is generally understood that it is easier to get away  
24 with child exploitation and abuse through Snap's disappearing message feature.

25 37. At the same time, Defendant Snap's disappearing design and marketing of that  
26 feature is particularly harmful to teens who rely on Snap's representations when taking and sending  
27 photos, only learning after the fact that recipients have means to save photos.

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1           38. Meta has studied certain product features and resulting harms and obtained  
 2 recommendations for product changes that would make these products less harmful to teen users;  
 3 only for Meta leadership to determine that the risk of losing popularity and engagement among  
 4 Instagram’s teen user base (and potential loss of advertising revenue in the case of “likes”)  
 5 outweighs the harms these product features are unquestionably causing American teens.

6           39. Defendants know that teens are more vulnerable and suffer harms from use of their  
 7 social media products at higher rates than adult users. Defendants also know that teens access  
 8 social media longer and more often than adults.

9           40. Advertisers are willing to pay a premium for unfettered access to child and teens so  
 10 Defendants, in turn, work hard to make their social media products as appealing to teens as  
 11 possible, even though they are harmful to teens.

#### 12           **E. Defendants’ Focus on Profits Over Safety**

13           41. Defendants know the harmful impact their social media products have. Instead of  
 14 warning users and/or re-designing their products to make them safer, however, Defendants choose  
 15 enhancing profits over protecting human life.

16           42. For example, internal, non-public data collected by Meta reveal large numbers of  
 17 its users are “addicted” to its social media products. Indeed, the problematic use identified in  
 18 medical literature is precisely the type of use Defendants Meta and Snap have designed their  
 19 products to encourage through psychological manipulation techniques—sometimes referred to as  
 20 persuasive design—that is well-recognized to cause all the hallmarks of clinical addiction.

21           43. Defendant Meta “slowly switched” its News Feed (in its Facebook and Instagram  
 22 products) from maximizing time-spent to maximizing sessions, even though it knew that  
 23 maximizing sessions is harmful to its users. Defendant Meta also knows that its “like” button  
 24 causes harmful social comparison, and results in anxiety and depression in teens, and Meta  
 25 leadership ultimately rejected recommendations to launch Project Daisy (in its pure and effective  
 26 form) due to the risk of a slight engagement decrease. Meta documents show that Meta has  
 27 repeatedly refused to protect its users from harm for fear of offending other users, decreasing teen  
 28

1 engagement, and/or losing advertiser revenue as a result.

2 44. Defendant Snap has designed product features that serve no utility but that help  
3 children and predators hide harmful content from parents and authorities, and that promote illegal  
4 and dangerous behavior. Its failure to enforce its one account rule further promotes and amplifies  
5 bullying and other unwanted interactions, making it impossible for victims to escape the ill effects  
6 of the Snapchat product. Defendant Snap also has implemented inherently addictive and dangerous  
7 product features, such as Snap Streaks and various trophies and unknown rewards systems, meant  
8 to hook teens at any cost. Likewise, it has implemented various inherently dangerous features,  
9 non-communication features over the years, such as Snap Cash and Snap Maps.

10 45. Ultimately, Defendants all have control over their technology and product design  
11 and how it is used and implemented. In all cases, Defendants can monitor and protect children, but  
12 in every case, Defendants have chosen instead to make their products more popular and more  
13 accessible – at the cost the health and wellbeing of their young users. In other words, Defendants  
14 know that their products are harmful and dangerous, could make them less harmful and less  
15 dangerous, but opt instead for attracting and retaining new users.

16 46. Defendants are perfectly capable of enforcing their own Terms of Service,  
17 Community Standards, and other guidelines. They can adjust controls in a manner that would  
18 better protect their users, especially children and teens, from certain, significant harms caused by  
19 Defendants' product features, user setting options, recommendations, and algorithmic-driven  
20 product features. Yet, Defendants repeatedly ignore these issues, choosing profits over human life.  
21 That is not a choice Defendants have the right to make.

22 47. On information and belief, Defendant Snap also does not employ adequate or  
23 reasonable safety controls in the development of its social media product and product features and,  
24 once invested in and/or launched, does not address safety issues as those become known.

25 48. This is the business model utilized by all Defendants – engagement and growth  
26 over user safety – as evidenced by the inherently dangerous design and operation of their social  
27 media products. At any point any of these Defendants could have come forward and shared this  
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1 information with the public, but they knew that doing so would have given their competitors an  
2 advantage and/or would have meant wholesale changes to their products and trajectory.  
3 Defendants chose to continue causing harm and concealed the truth instead.

#### 4 **F. Overview of Claims**

5 49. Plaintiff brings claims of strict liability based upon Defendants' defective design of  
6 their social media products that render such products not reasonably safe for ordinary consumers  
7 or minor users. It is technologically feasible to design social media products that substantially  
8 decrease both the incidence and magnitude of harm to ordinary consumers and minors arising from  
9 their foreseeable use of such products with a negligible increase in production cost.

10 50. What's clear from the Facebook Papers is that Meta and its competitors in the social  
11 media space could provide social media products that do not promote or amplify harmful content  
12 to teens and children – these companies simply choose to not do so as that would mean not relying  
13 on harmful algorithms and fewer billions of dollars in revenue.

14 51. Plaintiff also brings claims for strict liability based on Defendants' failure to  
15 provide adequate warnings to minor users and their parents of danger of mental, physical, and  
16 emotional harms and sexual abuse arising from foreseeable use of their social media products. The  
17 addictive quality of these products and their harmful algorithms are unknown to minor users and  
18 their parents.

19 52. Plaintiff also brings claims for common law negligence arising from Defendants'  
20 unreasonably dangerous Instagram social media products and their failure to warn of such dangers.  
21 Defendants knew, or in the exercise of ordinary care should have known, that their social media  
22 products were harmful to a significant percentage of their minor users and failed to re-design their  
23 products to ameliorate these harms. Defendants also failed to warn minor users and their parents  
24 of foreseeable dangers arising out of use of their social media products.

25 53. Defendants' own former and/or current developers often do not allow their own  
26  
27  
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1 children and teenagers to use these social media products.<sup>6</sup> For many years, Defendants have had  
 2 actual knowledge that their social media products are dangerous and harmful to children but have  
 3 actively concealed these facts from the public and government regulators and failed to warn parents  
 4 about these known harms for continued economic gain.

5 54. Plaintiff's claims do not arise from third party content, but rather, Defendants'  
 6 product features and designs, including but not limited to algorithms and other product features  
 7 that addict minor users, amplify and promote harmful social comparison, affirmatively select and  
 8 promote harmful content to vulnerable users based on their individualized demographic data and  
 9 social media activity, direct harmful content in great concentrations to vulnerable user groups, put  
 10 minor users in contact with dangerous adult predators, enable and encourage minors to hide  
 11 harmful content from their family and friends, encourage and facilitate exploitation and abuse of  
 12 minors through marketing, recommendation and messaging features, and data policies involving  
 13 the concealment and/or destruction of information necessary to the protection of minors, and  
 14 otherwise prioritize engagement (and Defendants' profits) over user safety.

#### 15 **G. Parties**

16 55. Plaintiff Gail Flatt resides in Gallatin Tennessee and is in the process of being  
 17 appointed the administrator of the Estate of her daughter, Sarah Flatt, who died on September 9,  
 18 2019. Plaintiff has not entered into any User Agreements or other contractual relationship with any  
 19 of the Defendants herein in connection with Sarah Flatt's use of their social media products. As  
 20 such, in prosecuting this action Plaintiff is not bound by any arbitration, forum selection, choice  
 21 of law, or class action waiver set forth in said User Agreements. Plaintiff expressly disaffirms all  
 22 User Agreements into which her daughter may have entered.

23 56. Defendant Meta Platforms, Inc., formerly known as Facebook, Inc., is a Delaware  
 24 corporation with its principal place of business in Menlo Park, CA. Defendant Meta Platforms  
 25 owns and operates the Facebook and Instagram social media platforms, application that are widely  
 26

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27 <sup>6</sup> See, e.g., [https://www.foxnews.com/tech/former-facebook-exec-wont-let-own-kids-use-social-media-says-its-](https://www.foxnews.com/tech/former-facebook-exec-wont-let-own-kids-use-social-media-says-its-destroying-how-society-works)  
 28 [destroying-how-society-works](https://www.foxnews.com/tech/former-facebook-exec-wont-let-own-kids-use-social-media-says-its-destroying-how-society-works)

1 available to users throughout the United States and in California

2 57. Defendant Snap, Inc. is a Delaware corporation with its principal place of business  
3 in Santa Monica, CA. Defendant Snap owns and operates the Snapchat social media platform, an  
4 application that is widely marketed by Snap and available to users throughout the United States  
5 and in California.

## 6 II. JURISDICTION AND VENUE

7 58. This Court has subject-matter jurisdiction over this case under 28 U.S.C. § 1332(a)  
8 because the amount in controversy exceeds \$75,000 and Plaintiff and Defendants are residents of  
9 different states. Venue is proper in this District under 28 U.S.C. § 1391(b)(2)

10 59. This Court has personal jurisdiction over Defendants because they are each  
11 headquartered and have their principal place of business in the State of California. Venue is proper  
12 in this District under 28 U.S.C. § 1391(b)(1) because Defendant Meta's principal place of business  
13 is in the Northern District of California and Defendant Snap, Inc. is a resident of the State of  
14 California.

## 15 III. DIVISIONAL ASSIGNMENT

16 60. The case is properly assigned to the San Francisco Division pursuant to Civ. L. R.  
17 3-2(c)–(d) because a substantial part of the events or omissions giving rise to Plaintiff's claims  
18 occurred in San Mateo County, where Defendant Meta Platforms, Inc. maintains its primary place  
19 of business.

## 20 IV. FACTUAL ALLEGATIONS

### 21 A. Facebook and Instagram Background and Products

22 61. Facebook is an American online social network service that is part of the Meta  
23 Platforms. Facebook was founded in 2004, at which time, it was nothing like the product it is  
24 today. When Facebook was first founded, only students at certain colleges and universities could  
25 use the social media product – which changed by 2006, such that anyone with an email address  
26 could now use it. Facebook became the largest social network in the world, with nearly three billion  
27 users as of 2021, and about half that number were using Facebook every day. The company's  
28



1 headquarters is in Menlo Park, California. Facebook recently changed its name to, and is referred  
2 to herein and collectively with Instagram, as Meta.

3 62. Instagram is a photo sharing social media application. Its original focus was to  
4 facilitate communication through images by featuring photos taken on mobile devices. Instagram  
5 launched in October 2010 and Facebook acquired it for \$1 billion in April 2012. Once acquired,  
6 Instagram experienced exponential growth, design, and development changes. It went from 10  
7 million monthly active users in September of 2012 to 50 million weeks after the acquisition, to  
8 more than 600 million by December of 2016, and it continues to grow. Meta instituted dozens of  
9 product changes (also known as “growth hacks”) that drove this increased engagement, but at the  
10 expense of the health and well-being of Instagram’s users—especially teens and children.

11 63. Meta’s recommendation-based feeds and product features promote harmful  
12 content. Meta’s algorithms are programmed to prioritize number of interactions and not quality of  
13 interactions. Worded otherwise, Defendants promote and amplify content based on engagement  
14 objectives and not the health and well-being of their users, which renders their social media  
15 products inherently dangerous and defective, particularly when used by teens and children.

16 64. Both the Facebook and Instagram products show users a “feed.” A user’s “feed” is  
17 a comprised of a series of photos and videos posted by accounts that the user follows, along with  
18 advertising and content specifically selected and promoted by Instagram.

19 65. Meta exerts control over a user’s Instagram “feed,” including through certain  
20 ranking mechanisms, escalation loops, and/or promotion of advertising and content specifically  
21 selected and promoted by Meta based on, among other things, its ongoing planning, assessment,  
22 and prioritization of the types of information most likely to increase engagement. In the case of  
23 certain user groups, like teens, this control translates to deliberate and repeated promotion of  
24 harmful and unhealthy content, which Meta knows is causing harm to its young users.

1           66. In 2021, Senators Richard Blumenthal, Marsha Blackburn and Mike Lee tested and  
2 confirmed the fact that Meta's recommendation-based feeds and product features promote harmful  
3 content by having several accounts opened while providing information indicating that the users  
4 were teenage girls,

5           "Within an hour all of our recommendations promoted pro-anorexia and eating  
6 disorder content," Blumenthal said. "Nothing has changed. It's all still happening."

7  
8           Sen. Mike Lee, R-Utah, said his office created an account for a 13 year old girl. Shortly  
9 afterward, the algorithm recommended a famous female celebrity to follow and when  
10 they did, Lee said, "It went dark fast."

11           The fake account was flooded with content about diets, plastic surgery and other  
12 damaging material for an adolescent girl, he said.

13           In another example this week, Blackburn's staff exposed a flaw in Instagram's setting  
14 for teens under 16.

15           According to Instagram's policies, new teenage accounts should automatically default  
16 to a private setting. But when Blackburn's team set up a phony account for a 15 year  
17 old girl, it automatically defaulted to public.

18           Mosseri acknowledged the error, explaining the mistaken default setting was triggered  
19 because the account was created on a web browser, as opposed to a mobile app.

20           "We will correct that," he said.

21  
22           See [https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli)  
23 [brush-aside-his-promises-to-self-poli](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli). Meta has had almost a decade to fix these product defects  
24 but has not – instead, its products have severely harmed millions of teens in the U.S. alone.

25           67. The Instagram product also has a search feature called "Explore," where a user is  
26 shown an endless stream of content that is selected by an algorithm designed by Meta based upon  
27 the users' demographics and prior activity in the application. This is not content the user has  
28

1 searched for our requested. Instead, it is content Meta selects via its algorithms (which Meta in  
2 turn programs to increase engagement and in other ways Meta knows to be harmful to users, but  
3 more profitable to Meta, as well as paid advertisements created with Meta's assistance or approval,  
4 and the like.

5 68. Meta designed and/or operates its Explore product in a manner that promotes  
6 harmful and/or unhealthy content. Meta is aware of these inherently dangerous product features  
7 and has repeatedly decided against changing them and/or implementing readily available and  
8 relatively inexpensive safety measures, for the stated purpose of ensuring continued growth,  
9 engagement, and revenue increase.

10 69. The Instagram product also has features known as "Reels" and "Stories, which  
11 promote the use of short videos and temporary posts, respectively. These products were developed  
12 to appeal to teens and Meta knows that these products are addictive, as well as defective.

13 70. Meta prioritizes and promotes harmful content through these product features.

14 71. The promotion of harmful content has become so central to Defendants' business  
15 models that Defendants regularly opt to conceal the truth and continue harming users instead of  
16 making their products safer and less harmful.

17 72. Instagram profile and privacy settings also cause harm. Users' profiles on  
18 Instagram may be public or private, which is a product feature over which Meta exercises complete  
19 control. On public profiles, any user can view the photos, videos, and other content posted by the  
20 user. On private profiles, the user's content may only be viewed by the user's followers, which the  
21 user must approve. At all times relevant, Instagram profiles were public by default and Instagram  
22 allowed all users to message and send follow requests to underage users. But even now, when  
23 Instagram claims that it is defaulting certain categories of users into private profiles, all a user need  
24 do is change the profile setting and, once again, Instagram will allow all users to message and send  
25 follow requests to underage users. Meta can protect users from this specific harm, can do so  
26 immediately, and chooses to not do so as a matter of engagement and growth.

27 73. Permitting public profiles for underage users serves no critical purpose in terms of  
28

1 product functionality but, instead, it increases user engagement during onboarding (when a user  
2 first starts using a social media product) by increasing user connections and generally by providing  
3 all users with greater access to other users, in this case, irrespective of their age. Unfortunately for  
4 young children and teens, a numerically significant percentage of those would-be connections are  
5 harmful. Defendants are aware of these harms and have opted to not make necessary and cost-  
6 effective changes to prevent it.

7 74. Defendant Meta's Direct Message settings also permit and encourage harm to  
8 "vulnerable" users. Harmful and dangerous interactions occur because of the Instagram direct  
9 message feature and current user settings, that is, Meta's chosen settings provide strangers (good  
10 or bad) with direct and unsupervised access to children and teens. Again, however, Meta opts for  
11 engagement over safety.

12 75. Meta's allowance of multiple accounts, refusal to verify age, identity, even  
13 authenticity of email addresses further exacerbates the harms by making it impossible to avoid  
14 unwanted interactions. Other users can literally open accounts as fast as those accounts can be  
15 blocked and, when coupled with the excessive and addictive usage habits Meta promotes among  
16 teens, these features create a perfect storm for depression, anxiety, and suicide and self-harm.

17 76. Meta's push notifications and emails encourage addictive behavior and are  
18 designed specifically to increase use of its social media products. In the case of Instagram,  
19 Defendant Meta collects individualized data – not just about the user, but also about the user's  
20 friends and contacts – and then selects content and notification frequency for its users and notifies  
21 them via text and email. Meta's notifications to individual users are specifically designed to, and  
22 do, prompt them to open Instagram and view the content Instagram selected, increasing sessions,  
23 and resulting in greater profits to Instagram. More to the point, even the format of these  
24 notifications has been designed and re-designed with the specific purpose of pulling users back  
25 onto the social media platform—irrespective of a user's health or wellbeing.

26 77. Instagram also incorporates several product features that serve no functionality  
27 purpose, but that do make Meta's product more appealing to children and teens (i.e., "likes" and  
28

1 filters, as well as avatars, emojis, and games) while simultaneously increasing social comparison  
2 pressure and resulting harm (i.e., “likes” and filters). The harm from these product features does  
3 not relate to a single “like” or filter, or any specific series of content or potential content. Rather,  
4 it is the product itself. Meta knows that these product features disproportionately harm teen girls  
5 and young women<sup>7</sup>.

6 78. Instagram also creates images and GIFs for users to post on their videos and  
7 pictures. Meta has also acquired publishing rights to thousands of hours of music, which it provides  
8 to its users to attach to the videos and pictures that they post on Instagram. The GIFs, images, and  
9 music are integral to the user’s Instagram post and are, in fact, designed to encourage posting.  
10 Indeed, in many cases, the only content in a user’s Instagram post is the image, GIF or music  
11 supplied by Meta. When users incorporate images, GIFs, and music supplied by Meta into their  
12 postings, Meta is functioning as a co-publisher of such content. An Instagram user who  
13 incorporates images, GIFs, or music supplied by Meta into their post is functionally equivalent to  
14 a novelist who incorporates illustrations into their story. Instagram can no longer characterize the  
15 images, GIFs, and music it supplies to its users as third-party content, just as the novelist cannot  
16 disclaim responsibility for illustrations contained in their book. Meta has made the deliberate  
17 decision to collaborate with its users in this regard and, as evidenced by Meta’s internal documents,  
18 Meta’s decision is motivated by the fact that such collaboration results in increased engagement  
19 and more profits for Meta itself.

20 79. Meta also has ownership and/or licensing, and other legal, rights in all third-party  
21 content, such that it is not “third-party content” at all. In 2012, Meta revised its Instagram Terms  
22 of Service to the following,<sup>8</sup>

23  
24  
25  
26 <sup>7</sup> See, e.g., the documents disclosed at [https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Appearance-based-Social-Comparison-on-Instagram-.pdf)  
27 [-Appearance-based-Social-Comparison-on-Instagram-.pdf](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Appearance-based-Social-Comparison-on-Instagram-.pdf), supra.

28 <sup>8</sup> <https://www.theverge.com/2012/12/18/3780158/instagrams-new-terms-of-service-what-they-really-mean>

To help us deliver interesting paid or sponsored content or promotions, you agree that a business or other entity may pay us to display your username, likeness, photos (along with any associated metadata), and/or actions you take, in connection with paid or sponsored content or promotions, without any compensation to you.

80. Its current terms (effective January 4, 2022) are different, but still grant Meta the right to use all third-party content at Meta's sole and unilateral discretion,

- **We do not claim ownership of your content, but you grant us a license to use it.** Nothing is changing about your rights in your content. We do not claim ownership of your content that you post on or through the Service and you are free to share your content with anyone else, wherever you want. However, we need certain legal permissions from you (known as a "license") to provide the Service. When you share, post, or upload content that is covered by intellectual property rights (like photos or videos) on or in connection with our Service, you hereby grant to us a non-exclusive, royalty-free, transferable, sub-licensable, worldwide license to host, use, distribute, modify, run, copy, publicly perform or display, translate, and create derivative works of your content (consistent with your privacy and application settings). This license will end when your content is deleted from our systems. You can delete content individually or all at once by deleting your account. To learn more about how we use information, and how to control or delete your content, review the [Data Policy](#) and visit the [Instagram Help Center](#).

81. Meta directly profits from the videos and pictures its users create in collaboration with Meta, as described above.

82. Meta knows that it is harming teens yet, when faced with recommendations that will reduce such harms, Meta's leadership consistently opts for prioritization of profit over the health and well-being of its teen users—that is, the millions of teen users who continue to use its inherently dangerous and defective social media product every, single day.

83. Meta's products are used by many millions of children every day.

## **B. Snapchat Background**

84. Snapchat was founded in 2011, by three Stanford college students, and quickly became a wildly popular social media product among U.S. teens. It is one of the most widely used social media products in the world and is used by more than 69% of all U.S. teens (age 13 to 17).<sup>9</sup> Snap's headquarters is in Santa Monica, California.

<sup>9</sup> See <https://www.smartinsights.com/social-media-marketing/social-media-strategy/snapchat-statistics/>



1           85.     Snapchat started as a photo and short video sharing social media application that  
2 allows users to form groups and share posts or “Snaps” that disappear after being viewed by the  
3 recipients. The Snapchat product became well-known for its self-destructing content feature.  
4 Specifically, the Snapchat product allows users to form groups and share posts or “Snaps” that  
5 disappear after being viewed by the recipients. However, the Snapchat social media product  
6 quickly evolved from there, as its leadership made design changes and rapidly developed new  
7 product features intended to and that did increase Snapchat’s popularity among teen users.

8           86.     In 2012, Snap added video capabilities to its Snapchat product, pushing the number  
9 of “snaps” to 50 million per day; in 2013, “Stories” and “Chat” features; in 2014, live video chat  
10 capabilities, “Our Story,” Geofilters and Community Geofilters, and Snapcash. And by 2015,  
11 advertisements were pervasive on Snapchat and, by 2018, 99% of Snap’s total revenue came from  
12 advertising, according to internal company financials. In other words, like Meta, Snap early on  
13 decided to monetize its userbase and, from that point forward, began changing its product in ways  
14 that made its product even more harmful to users but that paved the way for growth, engagement,  
15 and profits for Snap and its leadership and investors.

16           87.     By 2015, Snapchat had over 75 million monthly active users and was the most  
17 popular social media application amongst American teenagers in terms of number of users and  
18 time spent using the platform. Snap currently estimates having between 92.8 and 96.6 million users  
19 in the United States, with at least 17 to 17.7 million of those being children under the age of 18.  
20 Against this backdrop, Snap advertises and promotes its product as safe and fun—which could not  
21 be further from the truth.

22           88.     Snap uses an algorithm or similar technology to suggest connections, that is, Snap  
23 sends messages to users based on some secret formula Snap uses to determine whether someone  
24 should “friend” someone else. This is known as “Quick Add,” and these Snap-initiated messages  
25 result in exposure to harmful contacts, bullying, and dangerous predators. This feature contributes  
26 nothing to the product itself and serves no informational or communication purpose. Similar to  
27 Meta’s product, this product is designed to reinforce addiction and increase the odds of maintaining  
28

1 more users for longer by influencing user experience.

2 89. Snapchat users also have an “Explore” feed that displays content created by other  
3 users around the world. These product features are designed to grab and keep users’ attention for  
4 as long as possible each day, and have led many people, from psychologists to government  
5 officials, to describe Snapchat as “dangerously addictive.”

6 90. As with Defendant Meta, Snap’s algorithms and/or similar technologies determine  
7 the content that gets recommended and/or populates its user experience on the Snapchat social  
8 media product. This includes content sent directly from Snap to its users, for Snap’s own purposes,  
9 and prior to any sort of user search or request for such content. And as with Defendant Meta, Snap  
10 knows or should know that its algorithms are promoting and amplifying harmful content to  
11 children and teens and are operating with a degree of algorithmic discrimination that is particularly  
12 harmful to Snap’s most vulnerable user groups.

13 91. Snapchat offers several unique messaging and data features. It is perhaps most  
14 famous for its self-destructing content design feature, which appeals to minors and makes it more  
15 difficult for parents to monitor their children’s social media activity. This is an inherently  
16 dangerous product feature because it both encourages and allows minor uses to exchange harmful,  
17 illegal, and sexually explicit images with adults, and provides those same adults with a safe and  
18 efficient vehicle to recruit victims. Snapchat is a go-to application for sexual predators because of  
19 this product feature.<sup>10</sup>

20 92. For years Snap has received reports of child abuse and bullying occurring through  
21 its product and because of its product features,<sup>11</sup> yet has kept those features in place as removing  
22 them would result in considerable impact on the popularity of Snap’s social media product.

23 93. Harmful and dangerous interactions likewise occur because of these and other  
24 Snapchat messaging features, which provide direct and unsupervised access to children and teens.

25  
26 <sup>10</sup> See, e.g., <https://phonespector.com/blog/what-are-the-dangers-of-snapchat-to-avoid/>

27 <sup>11</sup> See, e.g., <https://www.forbes.com/sites/zakdoffman/2019/05/26/snapchats-self-destructing-messages-have-created-a-haven-for-child-abuse/?sh=411b8e1d399a> (Snapchat Has Become A ‘Haven for Child Abuse’ With Its  
28 ‘Self-Destructing Messages’).



1           94. In 2014, Snapchat added “Stories” and “Chat” features that allowed users to post  
2 longer stories that could be viewed by users outside the user’s friends.

3           95. Snapchat also allows users to enable the sharing of their location, through a tool  
4 called Snap Map, which allows the users’ followers (and the public for Snaps submitted by the  
5 users) to see the user’s location on a map. At all times relevant, this feature was available to all  
6 users, including minors.

7           96. But also, Snap has developed artificial intelligence technology that detects adult  
8 users of Snapchat who send sexually explicit content to children and receive sexually explicit  
9 images from children. This technology furnishes Snap with actual knowledge that a significant  
10 number of minor users of Snapchat are solicited to send, and do send, sexually explicit photos and  
11 videos of themselves to adult users in violation of 18 U.S.C. § 1591(a)(1)-(2). Snap could protect  
12 its minor users, but in many instances, does not.

13           97. Snap also has a “My Eyes Only” product, which many parents do not know about  
14 – including Plaintiff in this case. Snap’s My Eyes Only Product encourages and enables young  
15 users to hide harmful content from parents by allowing them to hide content in a special tab that  
16 requires a passcode, and where content cannot be recovered – even by Snap itself – without the  
17 correct passcode. The content self-destructs if a user attempts to access the hidden folder with the  
18 wrong code. My Eyes Only has no practical purpose or use, other than to hide potentially harmful  
19 content from parents and/or legal owners of the devices used to access Snap.

20           98. In 2014, Snapchat released a feature called Snapcash that allowed users to send  
21 money to other users without regard to user age, identify verification, and/or parental consent. This  
22 was another inherently dangerous product feature and allowed predators to send money to children  
23 without the knowledge or consent of their parents. Upon information and belief, however, Snap  
24 discontinued this product feature.

25           99. Like Meta, Snap sends push notifications and emails to encourage addictive  
26 behavior and to increase use of its Snapchat product. Snap’s communications are triggered and  
27 based upon information Snap collects from and about its users, and Snap “pushes” these  
28

1 communications to teen users in excessive numbers and disruptive times of day. These  
2 notifications are specifically designed to, and do, prompt them to open Snapchat and view the  
3 content Snapchat selected, increasing sessions, and resulting in greater profits to Snap. Even the  
4 format of these notifications has been designed to pull users back on to the social media platform—  
5 irrespective of a user’s health or wellbeing.

6 100. The Snapchat social media product also features a series of rewards including  
7 trophies, streaks, and other signals of social recognition like the “likes” metrics available across  
8 other platforms. These features are designed to encourage users to share their videos and posts  
9 with the public. Moreover, these features serve no communication or informational purposes. They  
10 are designed to be addictive, and to encourage greater use of the Snap product without regard to  
11 any other content or third-party communication.

12 101. Snapchat incorporates several other product features that serve no functionality  
13 purpose, but that do make Snap’s product more appealing to children and teens (i.e., avatars,  
14 emojis, and games) while simultaneously using known mechanisms to addict those same children  
15 and teens (i.e. streaks and trophies offering unknown rewards). These features were particularly  
16 addictive to Sarah, as well as the members of her basketball team, all of whom used Snap regularly  
17 and, at least in part, because of its addictive features.

18 102. The Snap Streak feature is unique to Snap’s product and is one of the most – if not  
19 the most – addictive products available “especially to teenagers.”<sup>12</sup> See also FBD 37/21, “Teen  
20 Meaningful Interactions and Feed post Feedback – Focus Groups” (May 2018), at p. 5 (“Streaks  
21 are a very important way for teens to stay connected. They are usually with your closest friends  
22 and they are addictive.” Snap knows that its Snap Streak product is addictive and has known for  
23 years but continues to provide that product to teens and children.

24 103. These are just some examples of Snapchat’s harmful product features.

25 104. Snap has also developed images for users to decorate the pictures or videos they  
26 post, and Snap has developed Lenses which are augmented reality-based special effects and sounds

27  
28 <sup>12</sup>See <https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296>

1 for users to apply to pictures and videos users post on Snapchat, and World Lenses to augment the  
 2 environment around posts. Snap also has acquired publication rights to music, audio, and video  
 3 content that its users can incorporate in the pictures and videos they post on Snapchat.

4 105. These images, Lenses, and licensed audio and video content supplied and created  
 5 by Snapchat frequently make a material contribution to the creation or development of the user's  
 6 Snapchat posts. Indeed, in many cases, the only content in a user's Snapchat post are images,  
 7 Lenses, and licensed audio and video content supplied and created by Snapchat. When users  
 8 incorporate images, Lenses, music, audio, and video content supplied by Snapchat posts, Snapchat  
 9 makes a material contribution to the creation and/or development of their Snapchat postings and  
 10 becomes a co-publisher of such content. When malign users incorporate images, Lenses, music,  
 11 audio, and video content supplied by Snapchat to their posts, this enhances the psychic harm and  
 12 defamatory sting that minor users experience from third-party postings on Defendant's platform.

13 106. Moreover, Snap contracts for legal rights in this third-party content, such that it is  
 14 not "third-party content" at all. Snap's current Terms of Service grant Snap several, sweeping sets  
 15 of legal rights, from licensing to ownership, as follows (and for example only as there are several  
 16 provisions in Snap's Terms of Service that address legal rights over user content, comments, and  
 17 other usage and activities),

### 18 **3. Rights You Grant Us**

19 Many of our Services let you create, upload, post, send, receive, and store content.  
 20 When you do that, you retain whatever ownership rights in that content you had to  
 21 begin with. But you grant us a license to use that content. How broad that license is  
 22 depends on which Services you use and the Settings you have selected.

23 For all content you submit to the Services, you grant Snap and our affiliates a  
 24 worldwide, royalty-free, sublicensable, and transferable license to host, store, cache,  
 25 use, display, reproduce, modify, adapt, edit, publish, analyze, transmit, and distribute  
 26 that content. This license is for the purpose of operating, developing, providing,  
 27 promoting, and improving the Services and researching and developing new ones.  
 28 This license includes a right for us to make your content available to, and pass these  
 rights along to, service providers with whom we have contractual relationships  
 related to the provision of the Services, solely for the purpose of providing such  
 Services.

1           107. Snap directly profits from the videos and pictures and other content its users create  
2 in collaboration with Snap, as described above.

3           108. Snap knows that it is harming teens yet consistently opts for prioritization of profit  
4 over the health and well-being of its teen users—that is, the millions of teen users who continue to  
5 use its inherently dangerous and defective social media product every, single day.

6           **C. Defendants’ Applications Are Products**

7           109. There is no dispute that the above-described social media products are designed  
8 and manufactured by Defendants, and further, Defendants refer to them as such.

9           110. These products are designed to be used by minors and are actively marketed to  
10 teens and tweens across the United States.

11           111. Defendants’ user terms and federal law prohibit use of these social media products  
12 by any person under the age of 13. Regardless, Defendants know that children under 13 are using  
13 their products, and actively study and market to that population.

14           112. Defendants’ products are designed to be used by minors and are actively marketed  
15 to minors across the United States. Defendants market to minors through their own marketing  
16 efforts and design, and through their approval and permission to advertisers who create and target  
17 ads to young users. Internal Meta documents establish that Meta spends millions of dollars  
18 researching, analyzing, and experimenting with young children to find ways to make its product  
19 more appealing and addictive to these age groups, as these age groups are seen as the key to Meta’s  
20 long-term profitability and market dominance. But also, internal Meta documents establish that it  
21 is not the only one, and that other social media companies, including Meta’s co-defendants in this  
22 case, invest heavily to appeal to teens and underage users.

23           113. Defendants also are aware that large numbers of children under the age of 18 use  
24 its product without parental consent. At least in the case of Snap, parental consent is required for  
25 use of their social media products and based on their own user terms. Yet all Defendants design  
26 their social media products in a manner intended to allow and not prevent such use, including  
27 failure to verify age and identification and allowing and encouraging multiple accounts.  
28

114. Defendants have designed their products in a manner that allows and/or does not prevent such use to increase user engagement and, thereby, increase their own profits.

**D. Defendants' Business Model is Based on Maximizing User Screen Time and Defendants Know That their Products are Addictive**

115. Defendants advertise their products as “free,” because they do not charge their users for downloading or using their products. What many users do not know is that, in fact, Defendants make a profit by finding unique and increasingly dangerous ways to capture user attention and target advertisements to their users. Defendants receive revenue from advertisers who pay a premium to target advertisements to specific demographic groups of users in the applications. Defendants also receive revenue from selling their users' data to third parties.

116. The amount of revenue Defendants receive is based upon the amount of time and level of user engagement on their platforms, which directly correlates with the number of advertisements that can be shown to each user.

117. Defendants use unknown and changing rewards that are designed to prompt users who consume their social media products in excessive and dangerous ways. Defendants know, or in the exercise of ordinary care should know, that their designs have created extreme and addictive usage by their minor users, and Defendants knowingly or purposefully designed its products to encourage such addictive behaviors. For example, all the achievements and trophies in Snapchat are unknown to users. The Company has stated that “[y]ou don't even know about the achievement until you unlock it.” This design conforms to well-established principles of operant conditioning wherein intermittent reinforcement provides the most reliable tool to maintain a desired behavior over time.

118. This design is akin to a slot machine but marketed toward minor users who are even more susceptible than gambling addicts to the variable reward and reminder system designed by Snapchat. The system is designed to reward increasingly extreme behavior because users are not actually aware of what action will unlock the next award.

119. Instagram, like Snapchat, is designed around a series of features that do not add to

1 the communication utility of the application, but instead seek to exploit minor users' susceptibility  
2 to persuasive design and unlimited accumulation of unpredictable and uncertain rewards, including  
3 "likes" and "followers." In the hands of children, this design is unreasonably dangerous to the  
4 mental well-being of underage users' developing minds. This design proximately caused Sarah's  
5 death.

6 120. According to industry insiders, Defendants have employed thousands of  
7 psychologists and engineers to help make their products maximally addicting. For example,  
8 Instagram's "pull to refresh" is based on how slot machines operate. It creates an endless feed,  
9 designed to manipulate brain chemistry and prevent natural end points that would otherwise  
10 encourage users to move on to other activities.

11 121. Defendants do not warn users of the addictive design of their product. On the  
12 contrary, Defendants actively try to conceal the dangerous and addictive nature of their products,  
13 lulling users and parents into a false sense of security. This includes consistently playing down  
14 their products' negative effects on teens in public statements and advertising, making false or  
15 materially misleading statements concerning product safety, and refusing to make their research  
16 public or available to academics or lawmakers who have asked for it.

17 122. Defendants have repeatedly represented to the public and governments around the  
18 world that their products are safe and not addictive. Snaps Terms of Service claim "We try hard to  
19 keep our Services a safe place for all users."<sup>13</sup>

20 123. Again, the amount of revenue Defendants receive is based upon the amount of time  
21 and user engagement on their platforms, which directly correlates with the number of  
22 advertisements that can be shown to each user. In short, Defendants opted for user engagement  
23 over the truth and user safety.

24 124. Defendants' social media products are built around a series of design features that  
25 do not add to the communication and communication utility of the applications, but instead seek  
26 to exploit users' susceptibility to persuasive design and unlimited accumulation of unpredictable

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27 <sup>13</sup> See Snap, Inc. Terms of Service, ¶ 9.  
28

1 and uncertain rewards (including things like “likes” and “followers” and “views” and “streaks”  
2 and “trophies”). This design is unreasonably dangerous to the mental well-being of underage users’  
3 developing minds, and these social media companies know it.

4 125. Defendants know that their products are addictive, and that millions of teen users  
5 want to stop using them but cannot.

6 126. Defendants engineer their products to keep users, and particularly young users,  
7 engaged longer and coming back for more. This is referred to as “engineered addiction,” and  
8 examples include features like bottomless scrolling, tagging, notifications, and live stories.

9 127. Defendants spend billions of dollars marketing their products to minors, and have  
10 deliberately traded in user harm for the sake of their already astronomical revenue stream.

11 128. E. Defendants Have Designed Complex Algorithms to Addict Teen Users and  
12 Their Business Models Are Based on Maximizing User Screen Time

13 129. Defendants have intentionally designed their products to maximize users’ screen  
14 time, using complex algorithms designed to exploit human psychology and driven by the most  
15 advanced computer algorithms and artificial intelligence available to some of the largest  
16 technology companies in the world.

17 130. Defendants’ algorithms select content for minor users not based on what they  
18 anticipate the user will prefer or to enhance their social media experience, but rather for the express  
19 purpose of habituating users to the Defendants’ social media products. Defendants’ algorithms do  
20 not provide a neutral platform but rather specify and prompt the type of content to be submitted  
21 and determine particular types of content its algorithms promote.

22 131. Defendants designed and have progressively modified their products to promote  
23 problematic and excessive use that they know is indicative of addictive and self-destructive use.

24 132. One of these features—present in Snapchat and Instagram—is the use of complex  
25 algorithms to select and promote content that is provided to users in an unlimited and never-ending  
26 “feed.” Defendants are well aware that algorithm-controlled feeds promote unlimited  
27 “scrolling”—a type of use those studies have identified as detrimental to users’ mental health—  
28



1 however, this type of use allows Defendants to display more advertisements and obtain more  
2 revenue from each individual user.

3 133. Defendants' algorithm-controlled product feature are designed to promote content  
4 most likely to increase user engagement, which often means content that Defendants know to be  
5 harmful to their users. This is content that users might otherwise never see but for Defendant's  
6 sorting, prioritizing, and/or affirmative pushing of such content to their accounts.

7 134. In the words of another, high-level departing Meta employee,

8 In September 2006, Facebook launched News Feed. In October 2009, Facebook switched  
9 from chronological sorting to an algorithmic ranking. 10 years later, in July 2019, Sen. Josh  
10 Hawley introduced a bill to the US Senate that would ban features in app feeds, such as  
11 infinite scroll.

12 The response in 2006 was largely positive; the response in 2009 was negative from a vocal  
13 minority, but still largely positive; the response in 2019 was largely "lol, wut?" If I had to  
14 guess, the response to government regulation around engagement centric information feeds  
15 in 2026 will be "Omg finally".

16 135. "Why We Build Feeds" (October 4, 2019), at p. 1.<sup>14</sup>

17 136. The addictive nature of Defendants products and the complex and psychologically  
18 manipulative design of their algorithms is unknown to ordinary consumers, particularly minors.

19 137. Defendants go to significant lengths to prevent transparency, including posing as a  
20 "free" social media platform, burying advertisements in personalized content, and making public  
21 statements about the safety of their products that simply are not true.

22 138. Defendants also have developed unique product features designed to limit, and have  
23 in other ways limited, parents' ability to monitor and prevent problematic use by their children.

24 139. Defendants' algorithms adapt to promote whatever content will trigger minor users'  
25 engagement and maximize their screen time. Defendants' algorithm designs do not distinguish,  
26

27  
28 <sup>14</sup> [https://www.documentcloud.org/documents/21600853-tier1\\_rank\\_exp\\_1019](https://www.documentcloud.org/documents/21600853-tier1_rank_exp_1019)



1 rank, discriminate, or prioritize between particular content based on whether it is helpful or harmful  
2 to the psychic well-being of their minor users. Once a minor user engages with abusive, harmful,  
3 or destructive content, Defendants' algorithms will direct the minor user to content that is  
4 progressively more abusive, harmful, and destructive to maximize the user's screen time.

5 140. Defendants' algorithms are not simply tools meant to facilitate the communication  
6 and content of others but are content in and of themselves. Defendants' algorithms do not function  
7 like traditional search engines that select particular content for users based on user inputs; they  
8 direct minor users to content based on far more than the individual users' viewing history.  
9 Defendants' algorithms make recommendations not simply based on minor users' voluntary  
10 actions but also the demographic information and social media activity of the users' friends,  
11 followers, and cohorts. The user data that Defendants' algorithms use to select content therefore  
12 encompasses far more information than voluntarily furnished by the particular user and include  
13 private information about the user that Defendants discover through undisclosed surveillance of  
14 their behavior both online and offline.

15 141. These addiction-driven algorithms are designed to be content neutral. They adapt  
16 to the social media activity of individual users to promote whatever content will trigger a particular  
17 user's interest and maximize their screen time. That is, prior to the point when Defendants have  
18 addicted their users and are then able to influence user preferences, their algorithm designs do not  
19 distinguish, rank, discriminate, or prioritize between types of content. For example, if the  
20 algorithm can increase User One's engagement with elephants and User Two's engagement with  
21 moonbeams, then Defendants' algorithm design will promote elephant content to User One and  
22 moonbeam content to User Two. These types of algorithms are solely quantitative devices and  
23 make no qualitative distinctions between the nature and type of content they promote to users – as  
24 long as those promotions increase user engagement.

**E. Minor Users’ Incomplete Brain Development Renders Them Particularly Susceptible to Manipulative Algorithms with Diminished Capacity to Eschew Self-Destructive Behaviors and Less Resiliency to Overcome Negative Social Media Influences**

142. The human brain is still developing during adolescence in ways consistent with adolescents’ demonstrated psychosocial immaturity. Specifically, adolescents’ brains are not yet fully developed in regions related to risk evaluation, emotional regulation, and impulse control.

143. The frontal lobes—and, in particular, the prefrontal cortex—of the brain play an essential part in higher-order cognitive functions, impulse control, and executive decision-making. These regions of the brain are central to the process of planning and decision-making, including the evaluation of future consequences and the weighing of risk and reward. They are also essential to the ability to control emotions and inhibit impulses. MRI studies have shown that the prefrontal cortex is one of the last regions of the brain to mature.

144. During childhood and adolescence, the brain is maturing in at least two major ways. First, the brain undergoes myelination, the process through which the neural pathways connecting different parts of the brain become insulated with white fatty tissue called myelin. Second, during childhood and adolescence, the brain is undergoing “pruning”—the paring away of unused synapses, leading to more efficient neural connections. Through myelination and pruning, the brain’s frontal lobes change to help the brain work faster and more efficiently, improving the “executive” functions of the frontal lobes, including impulse control and risk evaluation. This shift in the brain’s composition continues throughout adolescence and into young adulthood.

145. In late adolescence, important aspects of brain maturation remain incomplete, particularly those involving the brain’s executive functions and the coordinated activity of regions involved in emotion and cognition. As such, the part of the brain that is critical for control of impulses and emotions and for mature, considered decision-making is still developing during adolescence, consistent with the demonstrated behavioral and psychosocial immaturity of juveniles.

146. The algorithms in Defendants’ social media products are designed to exploit minor

1 users' diminished decision-making capacity, impulse control, emotional maturity, and  
 2 psychological resiliency caused by users' incomplete brain development. Defendants know, or in  
 3 the exercise of reasonable care should know, that because their minor users' frontal lobes are not  
 4 fully developed, they experience enhanced dopamine responses to stimuli on Defendants' social  
 5 media platforms and are therefore much more likely to become addicted to Defendants' products;  
 6 exercise poor judgment in their social media activity; and act impulsively in response to negative  
 7 social media encounters. Defendants also know, or in the exercise of reasonable care should know,  
 8 that minor users of their social media products are much more likely to sustain serious physical  
 9 and psychological harm through their social media use than adult users. Nevertheless, Defendants  
 10 knowingly designed their social media products to be addictive to minor users and failed to include  
 11 in their product design any safeguards to account for and ameliorate the psychosocial immaturity  
 12 of their minor users.

13 **F. Defendants Misrepresent the Addictive Design and Effects of Their Social Media**  
 14 **Product**

15 147. During the relevant time period, Defendants stated in public comments that their  
 16 products are not addictive and were not designed to be addictive. Defendants knew or should have  
 17 known that those statements were untrue.

18 148. During the relevant time period, Defendants advertised via commercials and/or  
 19 third parties that their products were fun and safe to use, and that Defendants employed their  
 20 technologies to ensure safe and age-appropriate experiences. Defendants knew or should have  
 21 known that those statements were untrue.

22 149. Neither Meta, nor Snapchat warned users or their parents of the addictive and  
 23 mentally harmful effects that the use of their products was known to cause amongst minor users.  
 24 On the contrary, Defendants have gone to significant lengths to conceal and/or avoid disclosure as  
 25 to the true nature of their products.

26 **G. Plaintiff Expressly Disclaims Any and All Claims Seeking to Hold Defendants Liable as**  
 27 **the Publisher or Speaker of Any Content Provided, Posted, or Created by Third Parties.**  
 28

1           150. Plaintiff seeks to hold Defendants accountable for their own alleged acts and  
2 omissions. Plaintiff's claims arise from Defendants' status as designers and marketers of  
3 dangerously defective social media product, as well as Defendants' own statements and actions,  
4 not as the speaker or publisher of third-party content.

5           151. Defendants' have designed their products to be addictive. For example, Defendants  
6 have developed and modified product features like the continuous loop feed and push notifications,  
7 to incentivize users to stay on the product as long as possible and to convince users to log back on.  
8 Defendants even calculate the most effective time to send such notifications, which in the case of  
9 teen and tween users often means in the middle of the night and/or during school hours. Essentially,  
10 the times they are least likely to have access to Defendants' social media products, which also—  
11 as Defendants know—are the times that their health and well-being necessitate them not being on  
12 Defendants' social media product. Defendants' products are designed to and do addict users on a  
13 content neutral basis.

14           152. The structure of these social media products and the technologies Defendants'  
15 design and utilize are, standing alone, harmful to users and irrespective of content. For example, a  
16 primary purpose of Defendants' algorithm designs is to determine individual user preferences first  
17 so that Defendants can then influence user behavior and choices second—which is particularly  
18 dangerous in the case of teens.

19           153. In the case of Meta, for example, Meta uses its product both to “experiment” on  
20 and test its users in ways heretofore unimagined, but also, it seeks to control user behavior through  
21 product features and capabilities and for the specific purpose of acquiring and retaining users.  
22 Defendant Snap likewise seeks to control user behavior through product features and capabilities  
23 and for the specific purpose of acquiring and retaining users.

24           154. On a content neutral basis, the manipulation and control these Defendants  
25 knowingly wield over their users daily is profoundly dangerous.

26           155. Defendants are responsible for these harms. These harms are caused by Defendants'  
27 designs and design-decisions, and not any single incident of third-party content.  
28

1           156. Yet Defendants failed to warn minor users and their parents of known dangers  
 2 arising from anticipated use of their social media products. These dangers are unknown to ordinary  
 3 consumers but are known to Defendants. Moreover, these dangers do not arise from third-party  
 4 content contained on Defendants' social media platforms. This lawsuit does not involve a suit  
 5 against a web browser provider for making available third-party content. To the contrary,  
 6 Defendants,

- 7           a. Design and constantly re-design their social media products to attract and addict
- 8           teens and children, their "priority" user group.
- 9           b. Design and continue to operate their social media products to ensure that teens and
- 10          children can obtain unfettered access, even over parental objection.
- 11          c. Know when teens and children are opening multiple accounts and when they are
- 12          accessing their products excessively and in the middle of the night.
- 13          d. Work with advertisers and influencers to create and approve harmful content and
- 14          provide direct access to teens and children – a user population Defendants know to
- 15          be vulnerable. Operate and provide the above social media products with the single-
- 16          minded goal of increasing user engagement, including but not limited to things like
- 17          maintaining harmful social comparison features and approving product
- 18          programming that promotes harmful content over clear dangers to user safety.

19           157. While it may be a third party creates a particular piece of harmful content, the teens  
 20 and children harmed by Defendants' social media products are not being harmed by a single piece  
 21 of harmful content. They are being harmed by Defendants' products, programming, and decisions  
 22 to expose teens and children to harmful product features and to show teens and children a constant  
 23 barrage of harmful content to obtain more advertising revenue and increase engagement.

24           158. Children do not open social media accounts in the hopes of become addicted.  
 25 Nonetheless, such children do become addicted, leading them to engage in foreseeable addict  
 26 behaviors, such as lying to their parents, hiding their use of Instagram, losing control, and  
 27 becoming irritable, depressed, anxious, even desperate, when access is denied, and hyper-vigilance  
 28

1 to avoid detection. These and other behaviors can and do result in serious harm to Defendants’  
2 minor users and resulted in serious harm to Sarah and her mom.

3 159. Children do not start using social media in the hopes of being exposed to product  
4 features that cause harm to them. Yet the use of Instagram and Snapchat involves harmful forms  
5 of social comparison and inevitably pushes such children towards harmful “rabbit holes,” causing  
6 anxiety, depression, eating disorders, and self-harm—harms at least some of these Defendants  
7 acknowledge in internal documents. Defendants’ products caused some of these harms to Sarah  
8 and her mother.

9 160. The harms at issue in this case do not relate to or arise from third party content, but  
10 rather, Defendants’ product features and designs, including algorithms and other technology that  
11 (a) addicts minor users to their products; (b) amplify and promote harmful social comparison  
12 through product features; (c) affirmatively select and promote harmful content to vulnerable users  
13 based on its individualized demographic data and social media activity; and (d) put minor users in  
14 contact with dangerous adult predators and otherwise expose to them to seemingly unstoppable  
15 unwanted interactions from persons not on their friend list or equivalent. Indeed, the foregoing are  
16 merely examples of the kinds of harms at issue in this case.

17 161. Defendants’ products are addictive on a content neutral basis. Defendants design  
18 and operate their social media products in a manner intended to and that does change behavior and  
19 addict users, including through a natural selection process that does not depend on or require any  
20 specific type of third-party content, as well as mechanisms and features meant to release dopamine.  
21 Defendants deliberately addict teen users and the harms resulting from these addictions are  
22 foreseeable, even known, to Defendants.

23 162. Defendants have designed other product features for the purpose of encouraging  
24 and assisting children in evasion of parental oversight, protection, and consent, which features are  
25 wholly unnecessary to the operation of Defendants’ product. This includes but is not limited to  
26 Defendants’ wholesale failure to check identification or verify validity of user-provided email  
27 credentials, while simultaneously implementing product design features (such as easier ability to  
28

switch between accounts, in the case of Meta) meant to ensure easy access by children and teens, irrespective of parental consent. Likewise, Defendants—even those who claim to permit only one

**Senator Mike Lee: (01:21:34)**

Now, since that exchange happened last week, there are a number of individuals and groups, including a group called the Technology Transparency Project or TTP, that have indicated that that part of her testimony was inaccurate. That it was false. TTP noted that TTP had conducted an experiment just last month, and their goal was to run a series of ads that would be targeted to children ages 13 to 17, to users in the United States. Now, I want to emphasize that TTP didn't end up running these ads. They stopped them from being distributed to users, but Facebook did in fact approve them. As I understand it, Facebook approved them for an audience of up to 9.1 million users, all of whom were teens.

**Senator Mike Lee: (01:22:31)**

I brought a few of these to show you today. This is the first one I wanted to showcase. This first one has a colorful graphic encouraging kids to, "Throw a Skittles party like no other," which as the graphic indicates, and as the slang jargon also independently suggests, this involves kids getting together randomly to abuse prescription drugs. The second graphic displays an ana tip. That is a tip specifically designed to encourage and promote anorexia. It's on there. Now the language, the ana tip itself independently promotes that. The ad also promotes it in so far as it was suggesting. These are images you ought to look at when you need motivation to be more anorexic, I guess you could say. Now the third one invites children to find their partner online and to make a love connection. "You look lonely. Find your partner now to make a love connection."

account—know that teen users are opening multiple accounts and fail to prevent such abuses.

163. Defendants also promote, encourage, and/or otherwise contribute to the development of harmful content. This Complaint has quoted from just a few of the thousands of Meta documents disclosed by the Facebook whistleblower, which establish this, and Plaintiff anticipates finding the same types of evidence in discovery with Snap. One of biggest hurdles to discovery of these claims and the harms Defendants have caused is that none of these defendants have ever been willingly transparent or cooperate regarding disclosure of their product designs and operations. In this manner too these defendants have actively concealed such harms.



1 164. Defendants also approve ads that contain harmful content, for example, and as  
2 discussed at the Senate hearing held on October 5, 2021 regarding Meta,<sup>15</sup>

3 165. In other words, Defendant Meta approves advertisements “designed to encourage  
4 and promote anorexia” and encouraging children to abuse prescription or illegal drugs, which ads  
5 Meta then targets specifically at children in exchange for payment from the advertisers. On  
6 information and belief, Snapchat does as well.

7 166. Defendants utilize private information of their minor users to “precisely target  
8 [them] with content and recommendations, assessing what will provoke a reaction,” including  
9 encouragement of “destructive and dangerous behaviors.” Again, Defendants specifically select  
10 and push this harmful content, for which they are then paid, and do so both for that direct profit  
11 and also to increase user engagement, resulting in more profits down the road. “That’s how  
12 [Defendants] can push teens into darker and darker places.”<sup>16</sup> Defendants know that their products  
13 can push children “all the way from just something innocent like healthy recipes to anorexia  
14 promoting content over a very short period of time.”<sup>17</sup> Defendants know that their products the  
15 content they are encouraging and helping to create is harmful to young users and choose “profits  
16 over safety”<sup>18</sup> any way.

17 167. None of Plaintiff’s claims rely on treating Defendants as the publisher or speaker  
18 of any third party’s words or content. Plaintiff’s claims seek to hold these Defendants accountable  
19 for their own allegedly wrongful acts and omissions, not for the speech of others or for any good  
20 faith attempts on the part of these Defendants to restrict access to objectionable content.

21 168. Plaintiff is not alleging that Defendants are liable for what the third parties said, but  
22 for what Defendants did.

23 169. None of Plaintiff’s Claims for Relief set forth herein treat Defendants as a speaker

24  
25 <sup>15</sup> <https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript> (“October 5, 2021, Senate Hearing Transcript”).

26 <sup>16</sup> *Id.*

27 <sup>17</sup> October 5, 2021, Senate Hearing Transcript, Ms. Francis Haugen at 00:37:34.

28 <sup>18</sup> *Id.* at 02:47:07.



1 or publisher of content posted by third parties. Rather, Plaintiff seeks to hold Defendants liable for  
2 their own speech and their own silence in failing to warn of foreseeable dangers arising from  
3 anticipate use of their products. Defendants could manifestly fulfill their legal duty to design a  
4 reasonably safe social product and furnish adequate warnings of foreseeable dangers arising out  
5 of the use of their products without altering, deleting, or modifying the content of a single third-  
6 party post or communication. Some examples include,

- 7 a. Not using their addictive and inherently dangerous algorithm and similar  
8 technologies in connection with any account held by a user under the age of  
9 18.
- 10 b. Not permitting any targeted advertisements to any user under the age of 18.
- 11 c. Prioritizing internally their removal of harmful content (content their systems  
12 are promoting and amplifying) over the risk of losing some user engagement.
- 13 d. Requiring identification upon opening of a new account, requiring parental  
14 consent for users under the age of 18 (which Snap and currently claims to do  
15 but do not actually enforce in any way), and restricting users under the age of  
16 18 to a single account.
- 17 e. Requiring verification by email when a user opens a new account. Not  
18 requiring verification allows underage users to access these social media  
19 products and does not stop bad actors.
- 20 f. Immediate suspension of accounts where Defendants have reason to know  
21 that the user is under the age of 13, including when the user declares that they  
22 are under the age of 13 in their bio or comments or chats and/or messages  
23 with any third party and where Defendants can determine an “estimated” age  
24 of under 13 based on other information they collect and/or have in their  
25 possession (including, for example, posted videos that clearly feature  
26 children under 13); and not allowing the account to resume until the user  
27 provides proof of age and identity and/or parental consent.
- 28

- 1                   g. Suspension of accounts and, in some cases, user bans, where Defendants
- 2                   have reason to know that the user is over the age of 18, but where they are
- 3                   providing information to suggest that they are minors and/or are representing
- 4                   themselves as minors to other users; and not allowing the account to resume
- 5                   until the user provides proof of age and identity.
- 6                   h. Removing social comparison features and/or hiding those features to reduce
- 7                   their harmful impact on teen users.
- 8                   i. Instituting advertising safeguards to ensure that Defendants are not profiting
- 9                   directly from or otherwise pushing or endorsing harmful advertising content,
- 10                  and removing advertising targeting tools so that advertisers cannot harm
- 11                  vulnerable user groups by aiming harmful advertisements at them.
- 12                  j. Requiring that all teen user accounts be set to private and not allowing any
- 13                  user under the age of 18 to change user settings to public.
- 14                  k. Removing all friend and group and content recommendation systems that
- 15                  involve teen users in any way (so, not recommending to teen users, but also,
- 16                  not recommending teen users to adults) and not permitting direct messaging,
- 17                  snaps, or other forms of direct communication with any user under the age of
- 18                  18 not already on the other user's friend list.

19           170. These are just some examples, all of which could be accomplished easily and/or at  
20 commercially reasonable cost. Defendants know that they can make these change and, in many  
21 cases, have discussed these or similar changes internally. However, they have not instituted these  
22 types of safety features because they know that doing so would impact their astronomical revenue.

**H. Sarah Flatt Died of Suicide Proximately Caused by Defendants' Social Media Products**



171. Sarah Flatt was born on October 24, 2004, in Hendersonville, Tennessee. Sarah was a happy child, outgoing, involved. She had lots of friends and a supportive family.

172. Sarah excelled in athletics and was competitive at running track.

173. She also had an artistic side to her, which she expressed through choir and making her own art. Art allowed Sarah to express her sensitive side, while athletics brought out her competitive nature.

174. Sarah first started using social media when she was 12 years old.

175. Sarah's father gave her a phone with parental controls; however, Sarah was able to bypass these protections via information that, upon information and belief, she learned from social media. Moreover, she was able to bypass these protections specifically because of Defendants'

1 failure to verify age, identity, and (in the case of minors) parental consent. What Sarah's parents  
2 later learned is that she was able to swap her sim card with another to access social media on her  
3 own device. This trick got her past parental controls, while Meta and Snap's failure to verify age,  
4 identity, and parental consent provided her with access to their inherently dangerous and, in this  
5 case deadly, social media products. Moreover, Defendants refuse to verify age and identity because  
6 it would impact their revenue. In other words, Sarah's life – like the lives of millions of American  
7 teens and children – came down to a matter of more money for Defendants Meta and Snap.

8 176. What Plaintiff did not know is that Defendants make sure that underage children  
9 can access their social media products, including by marketing to children, failing to verify age or  
10 identity (even when the children openly admitted to being underage on their public profile and/or  
11 in posts and comments which, upon information and belief, Sarah would have done), and  
12 permitting opening of multiple accounts. It was understood among children that Meta wouldn't  
13 close your account for being under 13. You just had to say you were 13 when opening an account  
14 and could then tell people your real age. In fact, this is something many kids still do. It also was  
15 understood among children that Meta did not object to kids using more than one account, which  
16 made it easier to hide more personal content and the existence of secondary accounts from parents  
17 and family—often referred to as a SPAM account or, in Instagram's case, a FINSTA (short for  
18 "fake Instagram").

19 177. Defendants designed Instagram and Snapchat to frustrate and prevent parents like  
20 Gail Flatt from exercising their rights and duties as parents to monitor and limit their child's use  
21 of their social media products.

22 178. Plaintiff cannot be certain as to what social media accounts Sarah opened or when,  
23 because of how Defendants design their products – that is, to evade parental protection and  
24 consent.

25 179. Sarah's Instagram use coincided with a gradual and subtle decline in her mental  
26 health, including mild anxiety and an increasing inability to focus on school or at home. Like  
27 many kids, she became addicted to social media and often it was all she wanted to do, and she tried  
28

1 to take her phone with her everywhere she went. Sarah knew that her parents didn't like how much  
2 time she was spending on her phone, so she would down play her use to them.

3 180. Moreover, Instagram's harmful social comparison products and the constant  
4 images Instagram pushed to Sarah via algorithms and targeted advertising – actions for which  
5 Instagram profited as direct result – had a foreseeable and harmful impact on Sarah's self-image  
6 and self-esteem, resulting in anxiety, difficulty with focus, and, in retrospect, thoughts of suicide  
7 and self-injury. These are the precise types of harms Meta identified internally as harms use of its  
8 Instagram product can cause, particularly among teen girls. Meta knew that its product could and  
9 was causing this harm but failed to disclose any of its findings on these issues outside the confines  
10 of its company.

11 181. Meta also knew or should have known that it was causing this harm to Sarah,  
12 including based on her usage information and patterns—which Meta collects and closely tracks—  
13 and content to which it was repeatedly exposing her via unsolicited methods, such as content  
14 Instagram pushes to Explore pages prior to when the user runs any search or request for content.  
15 This was not communication between multiple users, but advertisements and similar content Meta  
16 alone was pushing to Sarah as part of its business model and product operations.

17 182. As a proximate result of the social media addiction Meta and Snap fostered and  
18 encouraged, Sarah spent increasing amounts of time on social media, including in the middle of  
19 the night, resulting in severe sleep deprivation which, in turn, made her more anxious and less able  
20 to process information and make rational decisions.

21 183. Sarah was told by Snap, understood, and reasonably believed, that when she sent  
22 photos to other users they would quickly disappear. This is how Snap markets its social media  
23 product however, it is not how the product now works. As a result of this product defect and  
24 Sarah's social media addiction and sleep deprivation, Sarah is believed to have sent photographs  
25 of herself that were sexually suggestive, which photographs were then circulated and/or she was  
26 threatened that they would be circulated.

27 184. Meta and Snap social media products also made harmful recommendations to and  
28

1 about Sarah, connecting her with strangers to increase their own engagement and thereby their  
2 own profits, which recommendations had nothing to do with any communication or informational  
3 aspects of Defendants' products.

4 185. Meta and Snap's social media products also provided other users with unfettered  
5 access to Sarah through public profiles and features (in the case of Meta), recommendation systems  
6 (in the case of Meta and Snap), and features that provided direct messaging access to Sarah  
7 regardless of her minor status, regardless of whether other users were on her "friends" list or  
8 equivalent, and regardless of duration, time of day, or frequency (Meta and Snap).

9 186. These product features made it literally impossible to stop unwanted interactions  
10 on all of Defendants' platforms, resulting in a flood of unwanted interactions and harms  
11 perpetrated through and because of Defendants' product features. On information and belief, Sarah  
12 received unwanted interactions, was the victim of bullying, exploitation and/or exploitation  
13 attempts, and other harms known to Defendants and that are encouraged, facilitated, and enabled  
14 by their products and product features – products and features Defendants have historically left in  
15 place because of increased engagement and despite actual knowledge that these products and  
16 product features are harming a significant number of users. Coupled with Defendants' addictive  
17 design and Sarah's resulting and foreseeable addiction, this meant that Sarah could not stop using  
18 Defendants' social media products no matter how terrible they made her feel.

19 187. Meta and Snap also utilized algorithms and/or similar technologies to steer Sarah  
20 towards and otherwise promote and amplify harmful and unsolicited content. Defendants are not  
21 only aware of their promotion and amplification of harmful content but knew or should have  
22 known that the harms caused by their marketing and amplification systems would be exacerbated  
23 by Sarah's sleep deprivation. On information and belief, Meta and Snap collect usage information  
24 and know when teens and children are using their products, know when they are using them at  
25 night, and know when such use is harmful.

26 188. Defendants' algorithms and similar technologies are designed to exploit these  
27 social media caused vulnerabilities. The more addicted and sleep deprived a user becomes, the  
28

1 more Defendants' systems promote and amplify harmful content and the more push notifications  
2 Defendants' systems send.

3 189. What Plaintiff did not know in 2019—what no one knew in 2019 except  
4 Defendants—was that these social media companies were not providing fun and safe photo sharing  
5 or posting services but were instead dealing in incredibly addictive product features and pushing  
6 harmful algorithmically driven content, intended to keep Sarah hooked on their products by any  
7 means necessary.

8 190. The sleep deprivation caused by addiction and amplification of harmful content to  
9 which Sarah was exposed through her addiction to Defendants' social media products was a  
10 proximate cause of her anxiety, shame, and suicidal ideation.

11 191. On September 4, 2019, Sarah Flatt came home from school. That same day, explicit  
12 photos that she had sent in reliance on Snap's representations that those photos would disappear  
13 had been circulated through her school and community via Defendants' social media products.

14 192. In a first step toward addressing the situation Sarah's father, James Flatt,  
15 confiscated her cell phone.

16 193. What Defendants knew or should have known, but Plaintiff did not know and could  
17 not reasonably have discovered, is that when you separate an addicted child from social media, for  
18 even a few hours, it puts them in vulnerable and emotionally unstable place. This is a foreseeable  
19 consequence of addiction.

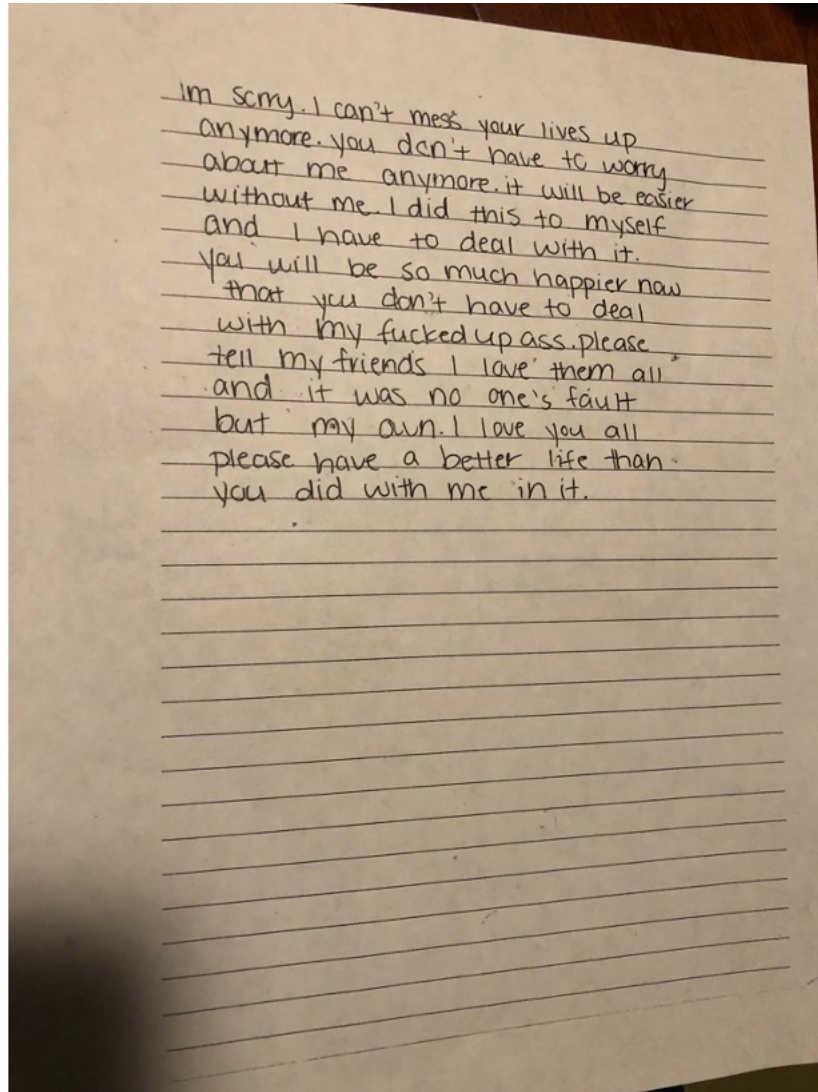
20 194. Sarah was extremely distraught after having her phone taken away and, because  
21 of the addiction Defendants cultivated and fostered, she could not think clearly. Like many teens,  
22 Sarah literally thought that she could not live without Defendants' social media products. She was  
23 also sleep deprived and suffering from the foreseeable types of anxiety and depression that  
24 accompany problematic use of Defendants' products. Because of this, Sarah went upstairs, found  
25 her father's gun, and shot herself in the head.

26 195. Without access to social media, Sarah had no distraction, only her thoughts and  
27 everything she felt like she was going through because of Defendants' social media product  
28



1 designs and processes, their engineered dependency, and the resulting and foreseeable impact of  
 2 sleep deprivation, depression, and anxiety.

3 196. James found the note that Sarah had written prior to taking her life. The note read,



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21  
22 *I'm sorry. I can't mess your lives up anymore. You don't have to worry about me*  
 23 *anymore. It will be easier without me. I did this to myself and I have to deal with it. You*  
 24 *will be so much happier now that you don't have to deal with my fucked up ass. Please*  
 25 *tell my friends I love them all and it was no one's fault but my own. I love you all please*  
 26 *have a better life than you did with me in it.*

27 197. Upon investigating the scene, and interviewing witnesses, the police made the  
 28 following report, describing how Sarah's father had taken away her cell phone just prior to her

1 taking her life.

2 Upon interviewing the father and stepmother, they stated that the daughter had been  
3 grounded from her phone due social media. The deceased had lived with her mom and been in  
4 trouble with social media. The deceased had been given a new phone while using the SIM card from  
5 the old one. The new phone allowed the deceased to down load social media sites on the phone as the  
6 parental controls did not change over with the SIM card. Upon learning of this development, the  
7 parents took the phone away from her. The deceased was able to locate another phone and retrieved  
8 the SIM card from the phone in parents' bedroom. The deceased called the stepmom (most likely  
9 inadvertently) and hung up without conversation. Upon arriving home on 9-4-19, the parents sit her  
10 down and asked her about it and located the phone. The deceased was grounded for the remainder of  
2019 from her cellphone. The deceased was then asked to help the father with unloading the truck  
behind the house. The stepmother went into the house and began to start dinner. The deceased  
helped the father and when completed went into the house and upstairs. The stepmother heard  
gunshot from upstairs and another right after it. The father, being outside, heard what he described as  
galvanized pipe hitting concrete. He stated he heard another one almost immediately. He stated he  
knew something was wrong and ran into the house. The stepmom met him at the front door and told  
him to go upstairs. Father went upstairs, looked in her room and didn't locate her so he looked in his  
room and observed her body. Father immediately came back downstairs and called 911.  
Gallatin, TN. Gavle Sue Platt, at 621 Peach Valley Road, Gallatin, TN.

11 198. The police report explicitly stated that Sarah had switched the SIM card in an effort  
12 to avoid parental detection. Her using a different SIM card allowed her to bypass existing parental  
13 protections due to Defendants' failure to verify age, identity, and parental consent.

14 199. Plaintiff could not make sense of what had happened. Sarah was an outgoing and  
15 involved young woman, with friends, and dreams, and a loving family. It was not until September  
16 of 2021, when Plaintiff learned about the Facebook whistleblower and what Meta's own  
17 documents said about these social media products and the harm they cause. To name only one  
18 example, Meta recognized that a significant percent of its users are addicted to its products, that  
19 children open multiple, secret accounts (referred to by Meta as a "unique value proposition"), and  
20 that use of Instagram increases thoughts of what Meta calls "SSI" (Suicide and Self-Injury) in teen  
21 girls who use it<sup>19</sup> – Sarah was nothing more than a statistic to Defendants, and Defendants chose  
22 profits and growth over the health and well-being of unsuspecting teen users like Sarah.

23 200. What did not become clear until September of 2021 is that Sarah's death was the  
24 proximate result of psychic injury caused by her addictive use of Instagram and Snapchat.  
25 Throughout the period of Sarah's social media use, Plaintiff was unaware of the clinically addictive

26  
27 <sup>19</sup> See <https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/> ("SSI"  
28 stands for suicide and self-injury.")

1 and mentally harmful effects of Instagram and Snapchat. Moreover, Plaintiff did not even know  
2 when Sarah opened these accounts and/or what accounts she had, because the design of  
3 Defendants' products encouraged her to bypass parental controls installed on her device and hide  
4 this information from her parents. Millions of teens in the U.S. are doing this right now, and parents  
5 either have no knowledge or know and are literally being prevented from exercising their parental  
6 rights because of Defendants' inherently dangerous and defective products.

7       201. Defendants designed Instagram and Snapchat to frustrate and prevent parents like  
8 Gail Flatt from exercising their rights and duties as parents to monitor and limit their child's use  
9 of their social media products.

10       202. Defendants designed Instagram and Snapchat to enable minor users such as Sarah  
11 to obtain access to and use, become addicted to, and abuse their products without the knowledge  
12 and consent of their parents. In fact, Snapchat's Snap Streaks product feature has been referred to  
13 as one of the addictive across all social media platforms, particularly when it comes to teens. On  
14 information and belief, Snap has been urged to remove that product feature, for the health and  
15 safety of children, and has refused.<sup>20</sup>

16       203. Defendants designed Instagram and Snapchat to be attractive nuisances to underage  
17 users, such as Sarah, but failed to exercise ordinary care owed to underage business invitees to  
18 prevent the recommendation, promotion, and amplification of dangerous and harmful content.

19       204. Defendants Meta and Snap possessed actual knowledge that their products were  
20 promoting and amplifying excessive amounts of dangerous and harmful content. Moreover, these  
21 Defendants knew or should have known that Sarah was addicted to their products, which addiction  
22 ultimately resulted in her death.

23       205. Defendants Meta, and Snap not only failed to warn Plaintiff of the dangers of  
24 addiction, sleep deprivation, sexual abuse, and problematic use of their applications, but they  
25 affirmatively misrepresented the safety, utility, and addictive properties of their products to minor  
26

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27 <sup>20</sup> See, e.g., <https://www.bbc.com/news/technology-47623626> (Snapchat under scrutiny from MPs over "addictive"  
28 streaks), March 19, 2019.

1 users like Sarah Flatt.

2 **V. PLAINTIFF'S CLAIMS**

3 **COUNT I - STRICT PRODUCT LIABILITY (Design Defect)**

4 206. Plaintiff realleges each and every allegation contained in paragraphs 1 through 205  
5 as if fully stated herein.

6 207. Under Restatement (Second) of Torts § 402(a), California law, one who sells any  
7 product in a defective condition unreasonably dangerous to the user is subject to liability for  
8 physical harm thereby caused to the user if (a) the seller is engaged in the business of selling such  
9 a product, and (b) it is expected to and does reach the user or consumer without substantial change  
10 in the condition which it was sold.

11 208. Defendants' products are defective because the foreseeable risks of harm posed by  
12 the product's design could have been reduced or avoided by the adoption of a reasonable  
13 alternative design by Defendants and the omission of the alternative design renders the product  
14 not reasonably safe. These defective conditions rendered these products unreasonably dangerous  
15 to persons or property and existed at the time the product left Defendants' control, reached the user  
16 or consumer without substantial change in the condition and its defective condition was a cause of  
17 Plaintiff's injury.

18 209. Defendants designed, manufactured, marketed, and sold social media products that  
19 were unreasonably dangerous because they were designed to be addictive to the minor users to  
20 whom Defendants actively marketed and because the foreseeable use of Defendants' products  
21 causes mental and physical harm to minor users.

22 210. Defendants' products were unreasonably dangerous because they contained  
23 numerous design characteristics that are not necessary for the utility provided to the user but are  
24 unreasonably dangerous and implemented by Defendants solely to increase the profits they derived  
25 from each additional user and the length of time they could keep each user dependent on their  
26 product.

**A. Inadequate Safeguards From Harmful and Exploitative Content**

211. As designed, Snapchat and Instagram algorithms and other product features are not reasonably safe because they affirmatively direct minor users to harmful and exploitative content while failing to deploy feasible safeguards to protect vulnerable teens from such harmful exposures. It is feasible to design an algorithm and technologies that substantially distinguish between harmful and innocuous content and protect minor users from being exposed to harmful content without altering, modifying, or deleting any third-party content posted on Defendants' social media products. The cost of designing these products to incorporate this safeguard would be negligible while benefit would be high in terms of reducing the quantum of mental and physical harm sustained by minor users and their families.

212. Defendants also engage in conduct, outside of the algorithms and related technologies themselves, that is designed to promote harmful and exploitative content as a means of increasing their revenue from advertisements. This includes but is not limited to efforts to encourage advertisers to design ads that appeal to minors, including children under the age of 13; and product design features intended to attract and engage minor users to these virtual spaces where harmful ad content is then pushed to those users in a manner intended to increase user engagement, thereby increasing revenue to Defendants at the direct cost of user wellbeing.

213. Reasonable users (and their parents) would not expect that Defendants' products would knowingly expose them to such harmful content and/or that Defendants' products would direct them to harmful content at all, much less in the manipulative and coercive manner that they do. Defendants have and continue to knowingly use their algorithms and other technologies on users in a manner designed to affirmatively change their behavior, which methods are particularly effective on (and harmful to) Defendants' youngest users.

**B. Failure to Verify Minor Users' Age and Identity**

214. As designed, Defendants' products are not reasonably safe because they do not provide for adequate age verification by requiring users to document and verify their age and identity.



1           215. Adults frequently set up user accounts on Defendants' social media products  
2       disguising their identity and/or posing as minors to groom unsuspecting minors to exchange  
3       sexually explicit content and images, which frequently progresses to sexual exploitation and  
4       trafficking, and commercial sex acts.

5           216. Minor users of social media and their parents do not reasonably expect that prurient  
6       adults set up fraudulent accounts on Defendants' social media products and pose as minors for  
7       malign purposes.

8           217. Likewise, minor users whose parents have taken affirmative steps to keep them  
9       away from Defendants' products often open multiple accounts, such that Defendants know or have  
10      reason to know that the user is underage and/or does not have parental permission to use their  
11      product. Defendants already have the information and means they need to ascertain with  
12      reasonable certainty their users' actual age. Defendants utilize these tools to investigate, assess,  
13      and report on percentages and totals of underage users for internal assessment purposes. They then  
14      choose to simply do nothing about that information as it relates to the specific, underaged users  
15      themselves.

16          218. Reasonably accurate age and identity verification is not only feasible but widely  
17      deployed by online retailers and internet service providers. Defendants not only have the ability to  
18      estimate the age of their users, but actually do so.

19          219. The cost of incorporating age and identify verification into Defendants' products  
20      would be negligible, whereas the benefit of age and identity verification would be a substantial  
21      reduction in severe mental health harms, sexual exploitation, and abuse among minor users of  
22      Defendants' products.

23      **C. Inadequate Parental Control and Monitoring**

24          220. Defendants have intentionally designed products to frustrate the exercise of  
25      parental responsibility by their minor users' parents. Parents have a right to monitor their children's  
26      social media activity to protect them from harm. Defendants have designed products that make it  
27      difficult, if not impossible, for parents to exercise parental responsibility.

28

1           221. Defendants’ products are also defective for lack of parental controls, permission,  
2 and monitoring capability available on many other devices and applications.

3           222. Defendants’ products are designed with specific product features intended to  
4 prevent and/or interfere with parents’ reasonable and lawful exercise of parental control,  
5 permission, and monitoring capability available on many other devices and applications.

6       **D. Intentional Direction of Minor Users to Harmful and Exploitative Content**

7           223. Default “recommendations” communicated to new teenage users, including Sarah  
8 Flatt, purposefully steered her toward content Defendants knew to be harmful to children of her  
9 age and gender.

10          224. Advertising content pushed to new minor users, including Sarah Flatt,, because of  
11 their age and vulnerability, purposefully steer those users toward content Defendants know to be  
12 harmful to children of their age and gender.

13       **E. Inadequate Protection of Minors from Sexual Exploitation and Abuse**

14          225. Defendants’ products are not reasonably safe because they do not protect minor  
15 users from sexually explicit content and images, report sex offenders to law enforcement, or allow  
16 users’ parents to readily report abusive users to law enforcement.

17          226. Parents do not expect their children will use Defendants’ products to exchange  
18 sexually explicit content and images and minor users do not expect that prurient adults pose as  
19 minors for malign purposes or that exchange of such content will be deleterious to their personal  
20 safety and emotional health.

21          227. Minor users of Defendants’ products lack the cognitive ability and life experience  
22 to identify online grooming behaviors by prurient adults and the psychosocial maturity to decline  
23 invitations to exchange salacious material.

24          228. Defendants’ products are unreasonably dangerous and defective as designed  
25 because they allow minor children to use “public” profiles, in many cases default “public” profiles,  
26 that can be mass-messed by anonymous and semi-anonymous adult users for the purposes of  
27 sexual exploitation and grooming, including the sending of encrypted, disappearing messages and  
28



1 cash rewards through Defendants' integrated design features.

2 **F. Design of Addictive Social Media Products**

3 229. As designed, Defendants' social media products are addictive to minor users as  
 4 follows: When minors use design features such as "likes" or "streaks" it causes their brains to  
 5 release dopamine, which creates short term euphoria. However, as soon as dopamine is released,  
 6 minor users' brains adapt by reducing or "downregulating" the number of dopamine receptors that  
 7 are stimulated and their euphoria is countered by dejection. In normal stimulatory environments,  
 8 this dejection abates, and neutrality is restored. However, Defendants' algorithms are designed to  
 9 exploit users' natural tendency to counteract dejection by going back to the source of pleasure for  
 10 another dose of euphoria. As this pattern continues over a period of months and the neurological  
 11 baseline to trigger minor users' dopamine responses increases, they continue to use Instagram, not  
 12 for enjoyment, but simply to feel normal. Once they stop using Instagram, minor users experience  
 13 the universal symptoms of withdrawal from any addictive substance including anxiety, irritability,  
 14 insomnia, and craving.

15 230. Addictive use of social media by minors is psychologically and neurologically  
 16 analogous to internet gaming disorder as described in the American Psychiatric Association's 2013  
 17 Diagnostic and Statistical Manual of Mental Disorders (DSM-5), which is used by mental health  
 18 professionals to diagnose mental disorders. Gaming addiction is a recognized mental health  
 19 disorder by the World Health Organization and International Classification of Diseases and is  
 20 functionally and psychologically equivalent to social media addiction.

21 231. The diagnostic symptoms of social media addiction among minors are the same as  
 22 the symptoms of addictive gaming referenced in DSM 5 and include:

- 23 a. Preoccupation with social media and withdrawal symptoms (sadness,  
 24 anxiety, irritability) when device is taken away or not possible.
- 25 b. Tolerance, the need to spend more time using social media to satisfy the  
 26 urge.
- 27 c. Inability to reduce social media usages, unsuccessful attempts to quit  
 28

gaming.

d. Giving up other activities, loss of interest in previously enjoyed activities due to social media usage.

e. Continuing to use social media despite problems.

f. Deceiving family members or others about the amount of time spent on social media.

g. The use of social media to relieve negative moods, such as guilt or hopelessness; and

h. Jeopardized school or work performance or relationships due to social media usage.

**G. Social Media Addiction is a Scientifically Recognized Harm**

232. Addiction is not limited to the chronic ingestion of drugs or substance abuse disorders only, but also encompasses behavioral disorders such as excessive gambling, sex, video gaming, and social media use. The working definition of addiction promulgated in the seminal article Addictive behaviors: etiology and treatment in the American Psychological Association's 1988 Annual Review of Psychology defines addiction as:

a repetitive habit pattern that increases the risk of disease and/or associated personal and social problems. Addictive behaviors are often experienced subjectively as 'loss of control' – the behavior contrives to occur despite volitional attempts to abstain or moderate use. These habit patterns are typically characterized by immediate gratification (short term reward), often coupled with delayed deleterious effects (long term costs). Attempts to change an addictive behavior (via treatment or self-initiation) are typically marked with high relapse rates.

233. Substance abuse and behavioral addictions both involve the same six core components: (1) salience—the activity dominates thinking and behavior; (2) mood modification—the activity modifies/improves mood; (3) tolerance—increasing amounts of the activity are required to achieve previous effects; (4) withdrawal—the occurrence of unpleasant feelings when the activity is discontinued or suddenly reduced; (5) conflict—the activity causes conflicts in relationships, in work/education, and other activities; and (6) relapse—a tendency to revert to

1 earlier patterns of the activity after abstinence or control.

2 234. Social media addiction has emerged as a problem of global concern that has been  
3 studied by researchers around the world. Addictive social media use is manifested when a user (1)  
4 becomes preoccupied by social media (salience); (2) uses social media in order to reduce negative  
5 feelings (mood modification); (3) gradually uses social media more and more in to get the same  
6 pleasure from it (tolerance/craving); (4) suffers distress if prohibited from using social media  
7 (withdrawal); (5) sacrifices other obligations and/or causes harm to other important life areas  
8 because of their social media use (conflict/functional impairment); and (6) seeks to curtail their  
9 use of social media without success (relapse/loss of control).

10 235. The Bergen Facebook addiction scale (BFAS) was specifically developed by  
11 psychologists to assess subjects' social media use using these six addiction criteria and is the most  
12 widely used measure of social media addiction. Originally designed for Facebook, BFAS has since  
13 been generalized to all social media. BFAS has been translated into dozens of languages, including  
14 Chinese, and is used by researchers throughout the world to measure social media addiction.

15 236. BFAS asks subjects to consider their social media usage with respect to the six  
16 following statements and answer either (1) very rarely, (2) rarely, (3) sometimes, (4) often, or (5)  
17 very often.

- 18 1. You spend a lot of time thinking about social media or planning how to use it.
- 19 2. You feel an urge to use social media more and more.
- 20 3. You use social media in order to forget about personal problems.
- 21 4. You have tried to cut down on the use of social media without success.
- 22 5. You become restless or troubled if you are prohibited from using social media.
- 23 6. You use social media so much that it has had a negative impact on your  
24 job/studies.

25 Subjects who score a "4" or "5" on at least 4 of these statements are deemed to suffer from social  
26 media addiction.

27 237. Addictive use of social media by minors is psychologically and neurologically  
28

1 analogous to internet gaming disorder. Gaming addiction is a recognized mental health disorder  
2 by the world health organization and the international classification of diseases and is functionally  
3 and psychologically equivalent to social media addiction. Symptoms of social media addiction  
4 include: (1) preoccupation with social media and withdrawal symptoms (sadness, anxiety,  
5 irritability) when device is taken away or use is not possible; (2) the need to spend more and more  
6 time using social media to satisfy the urge; (3) inability to reduce social media usage, unsuccessful  
7 attempts to quit gaming; (4) giving up other activities, loss of interest in previously enjoyed  
8 activities due to social media usage; (5) continuing to use social media despite problems; (6)  
9 deceiving family members or others about the amount of time spent on social media; (7) the use  
10 of social media to relieve negative moods, such as guilt or hopelessness; and (8) jeopardized school  
11 or work performance or relationships due to social media usage.

12         238. Defendants' advertising profits are directly tied to the quantity of their users' online  
13 time and engagement, and their algorithms and other product features are designed to maximize  
14 the time users spend using the product by directing them to content that is progressively more and  
15 more stimulative. Defendants enhance advertising revenue by maximizing users' time online  
16 through a product design that addicts them to the platform. However, reasonable minor users and  
17 their parents do not expect that online social media platforms are psychologically and  
18 neurologically addictive.

19         239. It is feasible to make Defendants' products not addictive to minor users by turning  
20 off the algorithms, limiting the frequency and duration of access, and suspending service during  
21 sleeping hours. Designing software that limits the frequency and duration of minor users' screen  
22 use and suspends service during sleeping hours could be accomplished at negligible cost; whereas  
23 the benefit of minor users maintaining healthy sleep patterns would be a significant reduction in  
24 depression, attempted and completed suicide, and other forms self-harm among this vulnerable  
25 age cohort.

**H. Inadequate Notification of Parents of Dangerous and Problematic Social Media Usage by Minor Users**

240. Defendants' products are not reasonably safe as designed because they do not include any safeguards to notify users and their parents of usage that Defendants knows to be problematic and likely to cause negative mental health effects to users, including excessive passive use and use disruptive of normal sleep patterns. This design is defective and unreasonable because:

241. It is reasonable for parents to expect that social media companies that actively promote their platforms to minors will undertake reasonable efforts to notify parents when their child's use becomes excessive or occurs during sleep time. It is feasible for Defendants to design a product that identifies a significant percentage of its minor users who are using the product more than three hours per day or using it during sleeping hours at negligible cost.

242. Defendants' products are not reasonably safe as designed because, despite numerous reported instances of child sexual solicitation and exploitation by adult users, Defendants have not undertaken reasonable design changes to protect underage users from this abuse, including notifying parents of underage users when they have been messaged or solicited by an adult user or when a user has sent inappropriate content to minor users.

243. Defendants' entire business is premised upon collecting and analyzing user data and it is feasible to use Defendants' data and algorithms and other technologies to identify and restrict improper sexual solicitation, exploitation, and abuse by adult users.

244. Moreover, it is reasonable for parents to expect that platforms such as Instagram and Snapchat which actively promote their services to minors, will undertake reasonable efforts to identify users suffering from mental injury, self-harm, or sexual abuse and implement technological safeguards to notify parents by text, email, or other reasonable means that their child is in danger.

245. As a proximate result of these dangerous and defective design attributes of Defendants' product, Sarah Flatt suffered severe mental harm. Plaintiff did not know, and in the exercise of reasonable diligence could not have known, of these defective design in Defendants'

1 products until 2021.

2 246. As a result of these dangerous and defective design attributes of Defendants'  
3 products, Plaintiff Gail Flatt has suffered emotional distress and pecuniary hardship due to her  
4 child's mental harm resulting from social media addiction.

5 247. Defendants are further liable to Plaintiff for punitive damages based upon the  
6 willful and wanton design of their products that were intentionally marketed and sold to underage  
7 users, whom they knew would be seriously harmed through their use of Instagram and Snapchat.

8 **COUNT II – STRICT PRODUCT LIABILITY (Failure to Warn)**

9 248. Plaintiff reallege each and every allegation contained in paragraphs 1 through 247  
10 as if fully stated herein.

11 249. Defendants' products are defective because of inadequate instructions or warnings  
12 because the foreseeable risks of harm posed by these products could have been reduced or avoided  
13 by the provision of reasonable instructions or warnings by the manufacturer and the omission of  
14 the instructions or warnings renders the product not reasonably safe. This defective condition  
15 rendered the products unreasonably dangerous to persons or property, existed at the time the  
16 products left Defendants' control, reached the user or consumer without substantial change in the  
17 condition in which they were sold, and were a cause of Plaintiff's injuries.

18 250. Defendants' products are unreasonably dangerous and defective because they  
19 contain no warning to users or parents regarding the addictive design and effects of Instagram and  
20 Snapchat.

21 251. Defendants' social media product rely on highly complex and proprietary  
22 algorithms and similar technologies that are both undisclosed and unfathomable to ordinary  
23 consumers, who do not expect that social media platforms are physically and/or psychologically  
24 addictive.

25 252. The magnitude of harm from addiction to Defendants' product is horrific, ranging  
26 from simple diversion from academic, athletic, and face-to-face socialization to sleep loss, severe  
27 depression, anxiety, self-harm, and suicide.

1           253. The harms resulting from minors' addictive use of social media platforms have  
2 been not only well-documented in the professional and scientific literature, but Meta had actual  
3 knowledge of such harms.

4           254. Defendants' products are unreasonably dangerous because they lack any warnings  
5 that foreseeable product use can disrupt healthy sleep patterns or specific warnings to parents when  
6 their child's product usage exceeds healthy levels or occurs during sleep hours. Excessive screen  
7 time is harmful to adolescents' mental health and sleep patterns and emotional well-being.  
8 Reasonable and responsible parents are not able to accurately monitor their child's screen time  
9 because most adolescents own or can obtain access to mobile devices and engage in social media  
10 use outside their parents' presence.

11           255. It is feasible for Defendants' products to report the frequency and duration of their  
12 minor users' screen time to their parents without disclosing the content of communications at  
13 negligible cost, whereas parents' ability to track the frequency, time and duration of their minor  
14 child's social media use are better situated to identify and address problems arising from such use  
15 and to better exercise their rights and responsibilities as parents.

16           256. Defendants knew about these harms, knew that users and parents would not be able  
17 to safely use their products without warnings, and failed to provide warnings that were adequate  
18 to make the product reasonably safe during ordinary and foreseeable use by children.

19           257. As a result of Defendants' failure to warn, Sarah Flatt suffered severe mental harm,  
20 leading to physical injury from her use of Instagram and Snapchat.

21           258. As a result of Defendants' failure to warn, Plaintiff Gail Flatt suffered emotional  
22 distress and pecuniary hardship due to her child's mental harm resulting from social media  
23 addiction.

24           259. Defendants are further liable to Plaintiff for punitive damages based upon their  
25 willful and wanton failure to warn of known dangers of their products that were intentionally  
26 marketed and sold to teenage users, whom they knew would be seriously harmed through their use  
27 of Instagram and Snapchat.



**COUNT III – NEGLIGENCE**

260. Plaintiff realleges each and every allegation contained in paragraphs 1 through 259 as if fully stated herein.

261. At all relevant times, Defendants had a duty to exercise reasonable care and caution for the safety of individuals using their products, such as Sarah Flatt.

262. Defendants owe a heightened duty of care to minor users of their social media products because adolescents' brains are not fully developed, which results in a diminished capacity to make good decisions regarding their social media usages, eschew self-destructive behaviors, and overcome emotional and psychological harm from negative and destructive social media encounters.

263. As product manufacturers marketing and selling products to consumers, Defendants owed a duty to exercise ordinary care in the manufacture, marketing, and sale of their products, including a duty to warn minor users and their parents of hazards that Defendants knew to be present, but not obvious, to underage users and their parents.

264. As business owners, Defendants owe their users who visit their social media platforms and from whom they derive billions of dollars per year in advertising revenue a duty of ordinary care substantially similar to that owed by physical business owners to its business invitees.

265. Defendants were negligent, grossly negligent, reckless and/or careless in that they failed to exercise ordinary care and caution for the safety of underage users, like Sarah Flatt, using their social media products.

266. Defendants were negligent in failing to conduct adequate testing and failing to allow independent academic researchers to adequately study the effects of their products and levels of problematic use amongst teenage users. Defendants know that their products are harmful, cause extensive mental harm, and that minor users are engaging in problematic and addictive use that their parents are helpless to monitor and prevent.

267. Defendants are negligent in failing to provide adequate warnings about the dangers

1 associated with the use of social media products and in failing to advise users and their parents  
2 about how and when to safely use their social media platforms and features.

3 268. Defendants are negligent in failing to fully assess, investigate, and restrict the use  
4 of their social media products by adults to sexually solicit, abuse, manipulate, and exploit minor  
5 users of their social media products.

6 269. Defendants are negligent in failing to provide users and parents the tools to ensure  
7 their social media products are used in a limited and safe manner by underage users.

8 270. As a result of Defendants' negligence, Sarah Flatt suffered severe mental harm from  
9 her use of Instagram and Snapchat.

10 271. As a result of Defendants' negligence, Plaintiff Gail Flatt suffered emotional  
11 distress and pecuniary hardship due to her child's mental harm resulting from social media  
12 addiction.

13 272. Defendants are further liable to Plaintiff for punitive damages based upon its willful  
14 and wanton conduct toward underage users, including Sarah Flatt, whom they knew would be  
15 seriously harmed through the use of their social media products.

#### 16 **DEMAND FOR JURY TRIAL**

17 Plaintiff hereby demand a trial by jury.

#### 18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff prays for judgment against Defendants for relief as follows:

- 20 a) Past physical and mental pain and suffering of Sarah Flatt, in an amount to be more readily  
21 ascertained at the time and place set for trial;
- 22 b) Loss of enjoyment of life, in an amount to be more readily ascertained at the time and place  
23 set for trial;
- 24 c) Past medical care expenses for the care and treatment of the injuries sustained by Sarah  
25 Flatt, in an amount to be more readily ascertained at the time and place set for trial;
- 26 d) Past and future impairment to capacity to perform everyday activities;

- 1 e) Plaintiff's pecuniary loss and loss of Sarah Flatt's services, comfort, care, society, and  
2 companionship to Gail Flatt;  
3 f) Loss of future income and earning capacity of Sarah Flatt;  
4 g) Punitive damages;  
5 h) Injunctive relief, including, but not limited to, ordering Defendants to stop the harmful  
6 conduct alleged herein, remedy the unreasonably dangerous algorithms in their social  
7 media products, and provide warnings to minor users and their parents that Defendants'  
8 social media products are addictive and pose a clear and present danger to unsuspecting  
9 minors;  
10 i) Reasonable costs and attorney and expert/consultant fees incurred in prosecuting this  
11 action; and  
12 j) Such other and further relief as this Court deems just and equitable.  
13

14 Dated: August 5, 2022.

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